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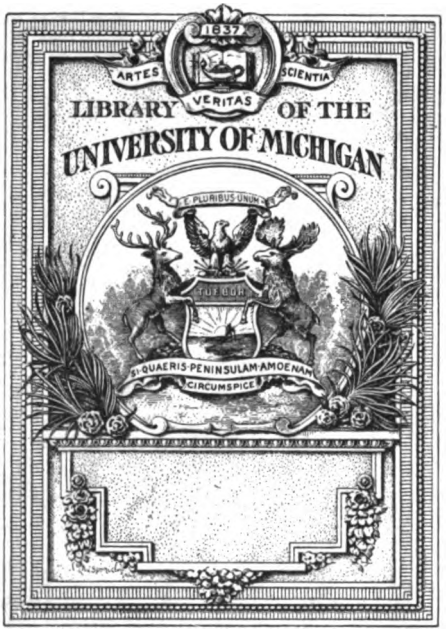

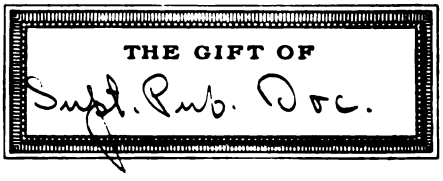

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60th Cong 1st Sess H. Doc. 99. 5368

ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1906

IN TWO VOLUMES

Vol. I

WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

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LETTER OF SUBMITTAL.

SMITHSONIAN INSTITUTION,
Washington, D. C., October 21, 1907.

To the Congress of the United States:

In accordance with the act of incorporation of the American Historical Association approved January 4, 1889, I have the honor to submit to Congress the annual report of the Association for the year 1906.

I have the honor to be, very respectfully, your obedient servant,

CHARLES D. WALCOTT,
Secretary.

205221

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ACT OF INCORPORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York; their associates and successors, are hereby created, in the District of Columbia, a body corporate and politic by the name of the American Historical Association for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said Association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and make by-laws not inconsistent with law. Said Association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said Association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum at their discretion, upon such conditions and under such rules as they shall prescribe.

[Approved, January 4, 1889.]

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LETTER OF TRANSMITTAL.

WASHINGTON, D. C., *July 2, 1907.*

SIR: I have the honor to transmit herewith the annual report of the American Historical Association for the year 1906.

Respectfully,

A. HOWARD CLARK,
Secretary of the American Historical Association.

The SECRETARY OF THE SMITHSONIAN INSTITUTION,
Washington, D. C.

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CONSTITUTION.

I.

The name of this Society shall be The American Historical Association.

II.

Its object shall be the promotion of historical studies.

III.

Any person approved by the executive council may become a member by paying $3; and after the first year may continue a member by paying an annual fee of $3. On payment of $50, any person may become a life member, exempt from fees. Persons not resident in the United States may be elected as honorary or corresponding members, and be exempt from the payment of fees.

IV.

The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and six other members elected by the Association with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association.

V.

The executive council shall have charge of the general interests of the Association, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

VI.

This constitution may be amended at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive council.

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AMERICAN HISTORICAL ASSOCIATION.

Organized at Saratoga, N. Y., September 10, 1884. Incorporated by Congress January 4, 1889.

OFFICERS ELECTED DECEMBER, 1906.

PRESIDENT:
JOHN FRANKLIN JAMESON, PH. D., LL. D.
Carnegie Institution of Washington.

VICE-PRESIDENTS:
GEORGE BURTON ADAMS, PH. D., LITT. D.,
Professor, Yale University.
ALBERT BUSHNELL HART, PH. D., LL. D.,
Professor, Harvard University.

SECRETARY AND CURATOR:
A. HOWARD CLARK, A. M.,
Smithsonian Institution, Washington, D. C.

CORRESPONDING SECRETARY:
CHARLES H. HASKINS, PH. D.,
Professor, Harvard University.

TREASURER:
CLARENCE WINTHROP BOWEN, PH. D.,
130 Fulton street, New York.

EXECUTIVE COUNCIL:
In addition to above-named officers.
(Ex-Presidents.)
ANDREW DICKSON WHITE, L. H. D., LL. D.,
Ithaca, N. Y.
JAMES SCHOULER, LL. D.,
Boston, Mass.
JAMES BURRILL ANGELL, LL. D.,
President University of Michigan.
GEORGE PARK FISHER, D. D., LL. D.,
Professor, Yale University.
HENRY ADAMS, LL. D.,
Washington, D. C.
JAMES FORD RHODES, LL. D.,
Boston, Mass.

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CHARLES FRANCIS ADAMS, LL. D.,
Boston, Mass.
ALFRED THAYER MAHAN, D. C. L., LL. D.,
Quoque, N. Y.
HENRY CHARLES LEA, LL. D.,
Philadelphia, Pa.
GOLDWIN SMITH, D. C. L., LL. D.,
Toronto, Canada.
JOHN BACH McMASTER, A. M., PH. D., LITT. D., LL. D.,
Professor, University of Pennsylvania.
SIMEON E. BALDWIN, LL. D.,
Professor, Yale University, Associate Judge of Supreme Court of Errors of Connecticut.

(Elected Councillors.)

GEORGE P. GARRISON, PH. D.,
Professor, University of Texas.
REUBEN G. THWAITES, LL. D.,
Secretary State Historical Society of Wisconsin.
CHARLES McLEAN ANDREWS, PH. D.,
Professor, Bryn Mawr College.
JAMES HARVEY ROBINSON, PH. D.,
Professor, Columbia University.
WORTHINGTON CHAUNCEY FORD, A. M.,
Chief of Division of Manuscripts, Library of Congress.
WILLIAM MacDONALD, PH. D., LL. D.,
Professor, Brown University.

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TERMS OF OFFICE.

Deceased officers are marked thus †.

EX-PRESIDENTS.

ANDREW DICKSON WHITE, L. H. D., LL. D., 1884–5.
†GEORGE BANCROFT, LL. D., 1885–6.
†JUSTIN WINSOR, LL. D., 1886–7.
†WILLIAM FREDERICK POOLE, LL. D., 1887–8.
†CHARLES KENDALL ADAMS, LL. D., 1888–9.
†JOHN JAY, LL. D., 1889–1890.
†WILLIAM WIRT HENRY, LL. D., 1890–91.
JAMES BURRILL ANGELL, LL. D., 1891–1893.
HENRY ADAMS, LL. D., 1893–4.
†GEORGE FRISBIE HOAR, LL. D., 1894–5.
†RICHARD SALTER STORRS, D. D., LL. D., 1895–6.
JAMES SCHOULER, LL. D., 1896–7.
GEORGE PARK FISHER, D. D., LL. D., 1897–8.
JAMES FORD RHODES, LL. D., 1898–9.
†EDWARD EGGLESTON, L. H. D., 1899–1900.
CHARLES FRANCIS ADAMS, LL. D., 1900–1901.
ALFRED THAYER MAHAN, D. C. L., LL. D., 1901–2.
HENRY CHARLES LEA, LL. D., 1902–3.
GOLDWIN SMITH, D. C. L., LL. D., 1903–4.
JOHN BACH McMASTER, A. M., PH. D., LITT. D., LL. D., 1904–5.
SIMEON E. BALDWIN, LL. D., 1905–6.

EX-VICE-PRESIDENTS.

†JUSTIN WINSOR, LL. D., 1884–1886.
†CHARLES KENDALL ADAMS, LL. D., 1884–1888.
†WILLIAM FREDERICK POOLE, LL. D., 1886–7.
†JOHN JAY, LL. D., 1887–1889.
†WILLIAM WIRT HENRY, LL. D., 1888–1890.
JAMES BURRILL ANGELL, LL. D., 1889–1891.
HENRY ADAMS, LL. D., 1890–1893.
†EDWARD GAY MASON, A. M., 1891–1893.
†GEORGE FRISBIE HOAR, LL. D., 1893–4.
†RICHARD SALTER STORRS, D. D., LL. D., 1894–5.
JAMES SCHOULER, LL. D., 1894–1896.
GEORGE PARK FISHER, D. D., LL. D., 1896–7.
JAMES FORD RHODES, LL. D., 1896–1898.
†EDWARD EGGLESTON, L. H. D., 1898–9.
†MOSES COIT TYLER, L. H. D., LL. D., 1897–1900.
CHARLES FRANCIS ADAMS, LL. D., 1899–1900.
†HERBERT BAXTER ADAMS, PH. D., LL. D., 1900–1901.
ALFRED THAYER MAHAN, D. C. L., LL. D., 1900–1901.
GOLDWIN SMITH, D. C. L., LL. D., 1901–1903.
†EDWARD McCRADY, LL. D., 1902–3.
JOHN BACH McMASTER, LL. D., 1903–4.
SIMEON E. BALDWIN, LL. D., 1904–5.
J. FRANKLIN JAMESON, PH. D., LL. D., 1905–6.

SECRETARIES.

†HERBERT BAXTER ADAMS, PH. D., LL. D., 1884–1889.
A. HOWARD CLARK, A. M., 1889—.
CHARLES H. HASKINS, PH. D., 1900—.

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TREASURER.

CLARENCE WINTHROP BOWEN, PH. D., 1884—.

EXECUTIVE COUNCIL.

WILLIAM BABCOCK WEEDEN, A. M., 1884–1886.
†CHARLES DEANE, LL. D., 1884–1887.
†MOSES COIT TYLER, L. H. D., LL. D., 1884–5.
EPHRAIM EMERTON, PH. D., 1884–5.
FRANKIN BOWDITCH DEXTER, A. M., 1885–1887.
†WILLIAM FRANCIS ALLEN, A. M., 1885–1887.
†WILLIAM WIRT HENRY, LL. D., 1886–1888.
†RUTHERFORD BIRCHARD HAYES, LL. D., 1887–8.
JOHN W. BURGESS, PH. D., LL. D., 1887–1891.
ARTHUR MARTIN WHEELER, A. M., 1887–1889.
GEORGE PARK FISHER, D. D., LL. D., 1888–1891.
†GEORGE BROWN GOODE, LL. D., 1889–1896.
JOHN GEORGE BOURINOT, C. M. G., D. C. L., LL. D., 1889–1894.
JOHN BACH McMASTER, LL. D., 1891–1894.
GEORGE BURTON ADAMS, PH. D., 1891–1897; 1898–1901.
THEODORE ROOSEVELT, A. B., LL. D., 1894–5.
†JABEZ LAMAR MONROE CURRY, LL. D., 1894–5.
HENRY MORSE STEPHENS, A. M., 1895–1899.
FREDERICK JACKSON TURNER, PH. D., 1895–1899; 1901–1904.
EDWARD MINER GALLAUDET, PH. D., LL. D., 1896–7.
MELVILLE WESTON FULLER, LL. D., 1897–1900.
ALBERT BUSHNELL HART, PH. D., 1897–1900.
ANDREW C. McLAUGHLIN, LL. B., 1898–1901; 1903–1906.
WILLIAM A. DUNNING, PH. D., 1899–1902.
PETER WHITE, A. M., 1899–1902.
J. FRANKLIN JAMESON, PH. D., LL. D., 1900–1903.
A. LAWRENCE LOWELL, LL. B., 1900–1903.
HERBERT PUTNAM, LITT. D., LL. D., 1901–1904.
GEORGE L. BURR, LL. D., 1902–1905.
EDWARD P. CHEYNEY, A. M., 1902–1905.
EDWARD G. BOURNE, PH. D., 1903–1906.
GEORGE P. GARRISON, PH. D., 1904—.
REUBEN G. THWAITES, LL. D., 1904—.
CHARLES M. ANDREWS, PH. D., 1905—.
JAMES H. ROBINSON, PH. D., 1905—.
WILLIAM MacDONALD, PH. D., LL. D., 1906—.
WORTHINGTON CHAUNCEY FORD, 1906—.

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COMMITTEES—1907

ANNUAL COMMITTEES.

Committee on Programme for the Twenty-second Annual Meeting (Madison, 1907).—A. L. P. Dennis, Charles H. Haskins, F. H. Hodder, Frederick J. Turner, Andrew C. McLaughlin, C. H. Van Tyne.

Joint Local Committee of Arrangements for The American Historical Association, The American Economic Association, The American Political Science Association, and The American Sociological Society.—Burr W. Jones, Richard T. Ely, Carl R. Fish, Dana C. Munro, Paul C. Reinsch, Edward A. Ross, R. G. Thwaites, William F. Vilas.

Reception Committee of Ladies.—Mrs. Lucius Fairchild, Mrs. William F. Allen, Miss Ida M. Tarbell.

Conference of State and Local Historical Societies.—Frank H. Severance, chairman; Evarts B. Greene, secretary.

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of The American Historical Review.—J. Franklin Jameson, William F. Sloane, Albert Bushnell Hart, George L. Burr, A. C. McLaughlin (these five hold over); George B. Adams, reelected for term ending January 1, 1913.

Historical Manuscripts Commission.—J. Franklin Jameson, Edward G. Bourne, Frederick W. Moore, Worthington C. Ford, Thomas M. Owen, James A. Woodburn.

Committee on the Justin Winsor Prize.—Charles H. Hull, Edward P. Cheyney, Williston Walker, Evarts B. Greene, J. H. Latané.

Committee on the Herbert Baxter Adams Prize.—Charles Gross, George L. Burr, Victor Coffin, John Martin Vincent, James W. Thompson. (During the absence of Professor Gross in Europe after June 1, 1907, Professor Burr will act as chairman of the committee.)

Public Archives Commission.—Herman V. Ames, Herbert L. Osgood, Charles M. Andrews, Dunbar Rowland, Robert T. Swan, Clarence S. Brigham, Carl R. Fish.

Committee on Bibliography.—Ernest C. Richardson, A. P. C. Griffin, William C. Lane, W. H. Siebert, V. H. Paltsits, James T. Shotwell.

Committee on Publications.—William A. Dunning, Herman V. Ames, A. Howard Clark, Charles H. Haskins, J. Franklin Jameson, Ernest C. Richardson.

General Committee.—Benjamin F. Shambaugh, Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, F. H. Hodder, F. L. Riley, F. G. Young, Miss Susan M. Kingsbury, W. E. Dodd, Earle W. Dow, F. H. Severance.

Committee of Eight.—J. A. James, Henry E. Bourne, E. C. Brooks, Wilbur F. Gordy, Miss Mabel Hill, Julius Sachs, Henry W. Thurston, J. H. Van Sickle.

Finance Committee.—J. H. Eckels, Peter White.

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Report of Public Archives Commission.

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I.—REPORT OF PROCEEDINGS OF THE TWENTY-SECOND ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.

PROVIDENCE, DECEMBER 26, 27, 28, 29, 1906.

By CHARLES H. HASKINS,

Corresponding Secretary.

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REPORT OF THE PROCEEDINGS OF THE TWENTY-SECOND ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.[a]

By CHARLES H. HASKINS, Corresponding Secretary.

The report of the annual meeting of the American Historical Association represents only a part of the work which the Association is doing, in accordance with the terms of its act of incorporation by Congress, for "the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and history in America." The Association maintains commissions on historical manuscripts and public archives; it offers prizes for historical monographs; it endeavors to bring together and assist the various State and local historical societies and to offer through special committees expert advice on the organization and methods of historical instruction; and it publishes each year, in addition to the proceedings of its meetings and the reports of its commissions, an important historical journal, the American Historical Review. The annual meeting affords a clearing-house for these varied forms of activity, as well as an opportunity for conference and personal acquaintance; but the greater part of the Association's work lies outside of these meetings, in the organized labors of its officers and committees carried on throughout the year in all parts of the United States.

In pursuance of its established practice of meeting in the East, in the West, and in Washington in triennial rotation, the American Historical Association held its annual meeting of 1906 in Providence, R. I., from December 26 to 29. The American Economic Association, the American Political Science Association, the Bibliographical Society of America, the American Sociological Society, and the New England History Teachers' Association held meetings at the same time and place. Two hundred and eighty members of the American Historical Association registered at the headquarters, and doubtless many more were in attendance at one or more of the sessions.

[a] For a fuller account of the Providence meeting, see the American Historical Review, April, 1907.

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The programme, like those of other recent meetings, consisted partly of sessions devoted to the reading of set papers and partly of conferences on topics connected with the organization of historical activities and the work of historical instruction. The opening session, a joint session with the American Economic Association, was occupied with the presidential addresses of the two associations. President Jeremiah W. Jenks, of the American Economic Association, chose as his subject "The Modern Standard of Business Honor," and President Simeon E. Baldwin, of the American Historical Association, spoke on the theme "Religion Still the Key to History." Both addresses have since been published.[a]

At the session of Thursday morning the papers centered about the Renaissance, taking the term in its widest sense. Prof. George L. Burr dealt with the reactionary influence of the Protestant leaders of the sixteenth century in the matter of religious tolerance. Prof. Dana C. Munro, of the University of Wisconsin, discussed the nature of the Renaissance of the twelfth century, one side of which was admirably illustrated by a study of Hildebert of Lavardin as a humanist read by Mr. Henry Osborn Taylor, of New York City. Both these papers are printed in this volume. Miss Louise Ropes Loomis, of Cornell University, criticised the conventional view of the preeminent influence of Greek studies in the Italian Renaissance of the fifteenth century, maintaining that the Hellenism of the early humanists was essentially superficial;[b] and in the discussion which followed Prof. James Harvey Robinson, of Columbia, and Prof. Paul Van Dyke, of Princeton, urged that the Renaissance was part of a long development, reaching well back into the Middle Ages rather than an abrupt revival of classical culture in the fifteenth century.

Thursday afternoon was devoted to a joint session with the New England History Teachers' Association, devoted to the presentation and discussion of the report prepared by the Committee of Eight of the American Historical Association upon the historical curriculum in elementary schools. The report and the discussion are printed on subsequent pages of this volume.

Thursday evening a joint session with the American Economic Association dealt with topics of economic history. Babeuf's place in the history of socialism was considered by Prof. Ulysses G. Weatherly, of the University of Indiana, and Prof. Edwin F. Gay, of Harvard,[c] led a discussion of recent theories concerning the stages

[a] President Jenks's in the Publications of the American Economic Association, President Baldwin's in the American Historical Review, January, 1907.

[b] Miss Loomis's paper is printed in the American Historical Review, January, 1908.

[c] Professor Gay's paper and the discussion are summarized in the Publications of the American Economic Association for 1907.

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of economic development, pointing out particularly the limitations of the widely accepted theory of Bücher.

Friday morning two conferences were held, full reports of which may be found below. One, dealing with the sequence of college courses in history, was presided over by Prof. Max Farrand, of Leland Stanford University, and consisted mainly of a statement of the experience of teachers representing a considerable variety of institutions and points of view. The other conference, directed by Prof. Benjamin F. Shambaugh, of the State Historical Society of Iowa, was a gathering of the representatives of State and local historical societies. Two subjects were discussed, problems relative to the care and preservation of public archives and the marking of historic sites, the discussion in each case bringing out what was being done by the national association and by representative local agencies in these branches of local activity.

The two remaining sessions were devoted to papers upon topics of general American history. Friday evening Miss Susan M. Kingsbury made an instructive comparison, drawn from her studies in preparing the edition of the company's records, recently published by the Library of Congress, of the Virginia Company with other trading companies of its time.[a] Prof. Barrett Wendell, of Harvard, analyzed the three varieties of New England character represented by Massachusetts, Connecticut, and Rhode Island, and endeavored to suggest an explanation for the divergent types. Mr. George L. Beer, of New York City, read a paper, printed below, on the new colonial policy of Great Britain between 1760 and 1765, a portion of the elaborate study he is preparing upon the British policy in relation to the American colonies; and Prof. C. H. Van Tyne, of the University of Michigan, treated the question of sovereignty in the American Revolution upon the basis of a careful examination of the contemporary evidence.[b]

Saturday morning Mr. Clarence S. Brigham, of the Rhode Island Historical Society, spoke on the impressment of seamen preceding the war of 1812, and Prof. Edward Channing, of Harvard, treated, from the point of view of a more human interpretation of the man, certain disputed episodes in the life of William Penn. Prof. Evarts B. Greene, of the University of Illinois, sketched the life of a typical German-American leader, Gustav Koerner, of Illinois. Some aspects of the English bill for the admission of Kansas were treated by Prof. F. H. Hodder, of the University of Kansas, and Prof. James A. Woodburn, of the University of Indiana, read the concluding paper on the attitude of Thaddeus Stevens toward the

[a] The paper is printed in the present volume.
[b] Printed in the American Historical Review, April, 1907.

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conduct of the civil war. Both these papers, as well as Professor Channing's, are printed below.

The proceedings of the business meeting of Friday afternoon are given in detail below. They show that the various committees and commissions have been actively at work during the past year, and that the finances of the Association are in excellent condition, although the annual income is barely sufficient to meet the increasing demands for expenditure.

MINUTES OF THE BUSINESS MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD IN ROCKEFELLER HALL, BROWN UNIVERSITY, PROVIDENCE, R. I., AT 3.30 P. M., DECEMBER 28, 1906.

President Baldwin in the chair.

On behalf of the Council the corresponding secretary reported that the Council had held a meeting in New York, November 30, 1906, and two meetings in Providence, December 27 and 28, and that at these meetings reports had been received and considered from various committees and commissions of the Association, and the usual appropriations made for the continuation of the work during the coming year.

The Council also reported that it had given considerable attention to the problems connected with the Association's publications, and particularly to the readjustments necessary because of the cutting down of the Congressional appropriation for the Association's printing to $5,000.[a] Under the appropriation for the current fiscal year the Association has been able to print the full edition of Volume I of the report for 1905, but will have at its disposal only 100 copies of Volume II, which is now in press. The Council accordingly arranged to print at the Association's expense enough additional copies of Volume I to supply members who could not be provided out of the 2,000 copies available, but as the Association's resources do not permit it to secure enough copies of Volume II for gratuitous distribution to members, the Council decided to notify each member that if he desires he may procure a copy of this volume at cost from the Public Printer. The Council also reported that it had found it necessary to reorganize the Committee on Publications so as to include the chairmen of the three committees which furnish the greater part of the material for the annual volume, and to instruct the committee to consider carefully the amount and distribution of space in the annual report, so as to bring the cost of the report within the amount appropriated by Congress.

On recommendation of the Council, the Association elected to honorary membership Mr. James Bryce.

On recommendation of the Council, the Association voted to hold the meeting of 1907 in Madison, Wis., and the meeting of 1908 in Richmond, Va., with one day's session in Washington, provided satisfactory arrangements can be made with the railroads for rates from Washington.

The report of the treasurer and auditing committee was received and accepted.

The secretary of the Pacific Coast Branch reported upon the work of the Pacific Coast Branch for the past year, and particularly upon the third annual meeting held at Portland, Oreg., November 30 to December 1.

The chairman of the Historical Manuscripts Commission reported that when he took office a year ago the preparation of the diplomatic archives of the

[a] By the sundry civil appropriation act of March 3, 1907, this has been increased to $7,000 for the ensuing fiscal year.

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Republic of Texas for publication was unfinished. The payments for copying and for other clerical aid required by this enterprise, already begun with the preceding chairman, had consumed the entire appropriation for the year 1906. It had therefore not been practicable for the present commission to take any further steps involving expenditure. For this reason, and because it remained uncertain, even in November and December, whether this great mass of valuable Texan material would or would not be ready for presentation in connection with the present report, no other documentary material had been edited for publication.

The chairman of the Public Archives Commission reported that the committee had prepared for publication in the report for 1906 reports relating to the State and local archives of Arkansas, California, Connecticut, Delaware, Georgia, Ohio, Tennessee, Virginia, and West Virginia; a bibliography of the published material relating to the thirteen original States from the beginning of the colonial period to 1789, and a summary of recent legislation by the States for the care and supervision of State and local archives. It had also arranged for the continuance of the work of selecting and copying documents in England relating to America, under the direction of a subcommittee of the Public Archives Commission, of which Prof. Charles M. Andrews is chairman.

The Committee on the Justin Winsor prize reported that four manuscripts had been received for competition in 1906, two coming from Southern States, one from the West, and one from the East, and that the committee had awarded the prize to Miss Annie Heloise Abel, of the Woman's College of Baltimore, for her monograph on "The History of Events resulting in Indian Consolidation West of the Mississippi River." The Association voted to adopt the committee's recommendation that the prize be henceforth $200 instead of $100, and that it be awarded biennally, beginning with 1908. The Association also voted, on the recommendation of the Committee on the Adams and Winsor prizes, to define the areas to which these prizes refer as follows:

For the Justin Winsor prize, American history, by which is meant the history of any of the British colonies in America to 1783, or other territories, continental or insular, which have since been acquired by the United States, and of independent Latin America.

For the Herbert Baxter Adams prize, European history, by which is meant the history of Europe, continental, insular, or colonial, excluding continental French America and British America before 1783.

Brief reports were made by the Board of Editors of the American Historical Review and the Committee on Publications.

The Committee on Bibliography reported that progress had been made upon a check list of the chief collections of sources of European history in American libraries, and that this would doubtless be in print before the next meeting of the Association.

The General Committee reported that they had begun a systematic inquiry into the marking of historic sites, which they planned to finish through the coming year, but that they had not been able, through lack of resources, to complete the attempt to classify the members of the Association according to the special fields of work upon which they are engaged.

The editor of the Original Narratives of Early American History reported that two volumes of a series, the first and third, had been published since the last meeting of the Association, and that the second of the series would appear in January or February. Volumes IV and V are announced for the spring.

The Committee of Eight on History in Elementary Schools reported that they had been actively engaged upon the preparation of a course of study in history for elementary schools, and expected to have their final report in print before the close of 1907.

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The Committee on Nominations, Messrs. A. C. McLaughlin, E. L. Stevenson, and James A. Woodburn, proposed the following list of officers for the ensuing year, for whom the Secretary was instructed to cast the ballot of the Association:

President, J. Franklin Jameson, Washington; first vice-president, George B. Adams, New Haven, Conn.; second vice-president, Albert Bushnell Hart, Cambridge, Mass.; secretary, A. Howard Clark, Smithsonian Institution, Washington; corresponding secretary, Charles H. Haskins, Cambridge, Mass.; treasurer, Clarence W. Bowen, New York.

Executive Council: George P. Garrison, Austin, Tex.; Reuben G. Thwaites, Madison, Wis.; Charles M. Andrews, Baltimore, Md.; James Harvey Robinson, New York City; Worthington C. Ford, Washington, D. C.; William MacDonald, Providence, R. I.

The following resolutions, proposed by a committee consisting of Mr. Edmund S. Meany and Miss Florence E. Leadbetter, were unanimously adopted by the Association:

Whereas, from the wide sweep of interests discussed and from the large attendance, representing even the most remote portions of the United States and Canada, this twenty-second annual meeting of the American Historical Association has been unusually successful, and

Whereas, much of this success has been due to the energy and efficiency of the officers and committees of the associations, and especially to the generous zeal of the friends in Providence: Therefore, be it

Resolved, That the American Historical Association tenders its hearty thanks to all, individuals and organizations, who have helped to bring about this great success; in particular to President Faunce, the faculty, and the corporation of Brown University for their generous hospitality and material assistance; to the local committee of arrangements, William B. Weeden, chairman, and Prof. Henry B. Gardner, secretary; to the reception committee of ladies, and to Mrs. William B. Weeden for courtesies extended to members of the Association; to the management of the John Carter Brown Library, the trustees of the Rhode Island School of Design, the Rhode Island Historical Society, the University Club of Providence, the officers and members of the Brown Union, of Brown University, and the local members of the Association, for their cordiality and heartiness in extending every possible courtesy and assistance; and lastly to the officers of this Association for the faithful and efficient performance of their many tasks.

Resolved, That we, the members of the American Historical Association, find our large hope more than fulfilled in the benefit which we have received from our sojourn in the benevolent city, which has proved to us, as to Roger Williams, a Providence of good things.

On behalf of the Council the corresponding secretary announced the appointment of the following committees:

ANNUAL COMMITTEES.

Committee on Programme for the Twenty-second Annual Meeting (Madison, 1907).—A. L. P. Dennis, Charles H. Haskins, F. H. Hodder, Frederick J. Turner, Andrew C. McLaughlin, C. H. Van Tyne.

Joint Local Committee of Arrangements for the American Historical Association, the American Economic Association, the American Political Science Association, and the American Sociological Society.—Burr W. Jones, Richard T. Ely, Carl R. Fish, Dana C. Munro, Paul S. Reinsch, Edward A. Ross, R. G. Thwaites, William F. Vilas.

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Reception Committee of Ladies.—Mrs. Lucius Fairchild, Mrs. William F. Allen, Miss Ida M. Tarbell.

Conference of State and Local Historical Societies.—Frank H. Severance, chairman; Evarts B. Greene, secretary.

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of the American Historical Review.—Andrew C. McLaughlin, J. Franklin Jameson, William M. Sloane, Albert Bushnell Hart, George L. Burr (these five hold over), George B. Adams, reelected for term ending January 1, 1913.

Historical Manuscripts Commission.—J. Franklin Jameson, Edward G. Bourne, Frederick W. Moore, Worthington C. Ford, Thomas M. Owen, James A. Woodburn.

Committee on the Justin Winsor Prize.—Charles H. Hull, Edward P. Cheyney, Williston Walker, Evarts B. Greene, J. H. Latané.

Committee on the Herbert Baxter Adams Prize.—Charles Gross, George L. Burr, Victor Coffin, John Martin Vincent, James W. Thompson. (During the absence of Professor Gross in Europe after June 1, 1907, Professor Burr will act as chairman of the committee.)

Public Archives Commission.—Herman V. Ames, Herbert L. Osgood, Charles M. Andrews, Dunbar Rowland, Robert T. Swan, Clarence S. Brigham, Carl R. Fish.

Committee on Bibliography.—Ernest C. Richardson, A. P. C. Griffin, William C. Lane, W. H. Siebert, V. H. Paltsits, James T. Shotwell.

Committee on Publications.—William A. Dunning, Herman V. Ames, A. Howard Clark, Charles H. Haskins, J. Franklin Jameson, Ernest C. Richardson.

General Committee.—Benjamin F. Shambaugh, Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, F. H. Hodder, F. L. Riley, F. G. Young, Miss Susan M. Kingsbury, W. E. Dodd, Earle W. Dow, F. H. Severance.

Committee of Eight.—J. A. James, Henry E. Bourne, E. C. Brooks, Wilbur F. Gordy, Miss Mabel Hill, Julius Sachs, Henry W. Thurston, J. H. Van Sickle.

Finance Committee.—J. H. Eckels, Peter White.

The meeting adjourned at 5 p. m.

CHARLES H. HASKINS,
Corresponding Secretary.

Report of Clarence W. Bowen, treasurer of the American Historical Association.

RECEIPTS.

1905.			
Dec. 16.	Balance cash on hand		$3,062.02
1906.			
Dec. 15.	Receipts as follows:		
	2,433 annual dues, at $3	$7,299.00	
	1 annual dues	2.92	
	1 annual dues	3.05	
	12 annual dues, at $3.10	37.20	
	2 annual dues, at $3.15	6.30	
	1 annual dues	3.20	
	1 annual dues	3.25	
	1 annual dues	4.00	
	1 annual dues	1.75	
	4 life memberships	200.00	
	1 life membership	50.25	
	Sales of publications	64.50	
	Royalty on "The Study of History in Schools"	14.30	
	Interest on bond and mortgage	800.00	
			8,489.72
			11,551.74

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DISBURSEMENTS.

1906.			
Dec. 15.	Treasurer's clerk hire, etc., vouchers 16, 41, 56, 77, 102, 135, 160	$235.16	
	Secretary's clerk hire, etc., vouchers 38, 47, 60, 76, 86, 109, 112, 146	299.55	
	Postage and stationery, treasurer and secretary, vouchers 1, 19, 20, 23, 27, 34, 35, 39, 40, 98, 106, 110, 127, 129, 130, 131, 133	250.92	
	Corresponding secretary's expenses, vouchers 4, 5, 17, 28, 32, 48, 59, 69, 70, 79, 84, 126, 147, 149, 150	154.10	
	Pacific Coast Branch, voucher 29	28.30	
	American Historical Review, vouchers 11, 31, 42, 49, 50, 52, 58, 62, 68, 72, 75, 78, 80, 85, 91, 95, 96, 100, 101, 107, 108, 113, 120, 121, 124, 128, 136, 142, 156	4,041.52	
	Public Archives Commission, vouchers 6, 7, 21, 22, 25, 26, 46, 57, 64, 65, 66, 67, 71, 87, 89, 90, 94, 99, 111, 125, 139, 143 151, 152, 154	704.79	
	Historical Manuscripts Commission, voucher 73	345.15	
	Justin Winsor prize committee, vouchers 18, 36	24.38	
	Herbert B. Adams prize committee, voucher 30	200.00	
	General committee, vouchers 8, 9, 10, 43, 44, 51, 53, 54, 55, 82, 83, 122	128.13	
	Committee of eight upon the study of history in elementary schools, vouchers 115, 116, 117, 118, 119, 123	206.60	
	Committee on bibliography, voucher 144	25.00	
	Account annual report 1904, voucher 88	191.04	
	Account annual report 1905, vouchers 93, 132, 134, 141, 158	156.61	
	Printing circulars, voucher 61	26.75	
	Expenses twenty-first annual meeting, vouchers 12, 13, 14, 15	114.18	
	Expenses twenty-second annual meeting, vouchers 137, 138, 140, 157	80.17	
	Expenses Executive Council, vouchers 24, 145, 148, 153, 155, 159	288.22	
	Engraving certificates, vouchers 37, 81, 92, 97, 104	3.50	
	Bank-collection charges, vouchers 33, 45, 74, 103, 114	6.30	
	Membership fees refunded, vouchers 2, 105	4.00	
	Refund for publications out of print, voucher 63	1.00	
	Auditing treasurer's account 1905, voucher 3	18.21	
			$7,533.67
	Balance cash on hand in National Park Bank		4,018.07
			11,551.74
Net receipts 1906			8,489.72
Net disbursements 1906			7,533.67
	Excess of receipts over disbursements		956.05

The assets of the Association are:

Bond and mortgage on real estate at No. 24 East Ninety-fifth street, New York	$20,000.00	
Accrued interest from September 29, 1905, to date	171.11	
Cash on hand in National Park Bank	4,018.07	
		24,189.18
An increase during the year of		953.83

Respectfully submitted.

CLARENCE W. BOWEN, *Treasurer.*

NEW YORK, *December 15, 1906.*

The auditing committee of the American Historical Association, having examined the signed certificate of the Audit Company of New York, find that the treasurer's accounts have been duly audited and found complete and correct in all details.

JOHN WINTHROP PLATNER.
HERBERT DARLING FOSTER.

PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the Association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The annual report of the secretary of the Association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the secretary of the Smithsonian Institution for publication by Congress.

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(3) The preservation of historical exchanges, books, pamphlets, reports, and papers of the Association in the National Museum, at Washington, D. C., in the keeping of Mr. A. Howard Clark, secretary of the Association and curator of its historical collections.

(4) The Historical Manuscripts Commission of six members, established in 1895, and now receiving from the Association a subsidy of $300 a year for the collection and editing of important manscripts; Dr. J. Franklin Jameson, of the Carnegie Institution, chairman.

(5) The Public Archives Commission, established in 1899, for investigating the public archives of the several States and of the United States, and now receiving a subsidy of $500 a year for the expenses incident to preparing its reports; Prof. Herman V. Ames, of the University of Pennsylvania, chairman.

(6) The Committee on Publications, to pass upon papers and monographs submitted to the Association for publication; Prof. William A. Dunning, of Columbia University, chairman.

(7) The Committee on Bibliography, to advise the Executive Council and to cooperate with the American Library Association and the Bibliographical Society of America upon matters of bibliographical interest; Dr. Ernest C. Richardson, of Princeton University, chairman.

(8) The General Committee, representing the local interests of the Association and its relations with State and local historical societies; Prof. Benjamin F. Shambaugh, of the University of Iowa, chairman.

(9) The "Justin Winsor prize" of $200 awarded biennially for the best unpublished monographic work based upon original investigation in American history; Prof. Charles H. Hull, of Cornell University, chairman of the committee.

(10) The American Historical Review, published quarterly, and subsidized by the American Historical Association, whose Executive Council elects the board of editors; Dr. J. F. Jameson, of the Carnegie Institution, managing editor.

(11) A series of reprints of the chief original narratives of early American history, published by authority of the Association; Dr. J. Franklin Jameson, of the Carnegie Institution, general editor.

(12) The "Herbert Baxter Adams prize" of $200, awarded biennially for the best unpublished monograph based upon original investigation in European history; Prof. Charles Gross, of Harvard University, chairman of the committee.

(13) The Committee of Eight on History in Elementary Schools; Prof. J. A. James, of Northwestern University, chairman.

(14) An annual conference of State and local historical societies, held in conjunction with the meeting of the Association; Mr. Frank H. Severance, of the Buffalo Historical Society, chairman; Prof. Evarts B. Greene, of the University of Illinois, secretary.

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ORDER OF EXERCISES AT THE TWENTY-SECOND ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD IN PROVIDENCE, DECEMBER 26, 27, 28, AND 29, 1906.

Persons not members of the Association will be cordially welcome to the sessions.

Papers are limited to twenty minutes, and discussions to ten minutes for each speaker. Those who read papers or take part in the conferences are requested to furnish the secretary with abstracts of their papers or remarks.

First Session, Wednesday, December 26, 8 p. m., Sayles Hall.

[Joint meeting with the American Economic Association.]

Address of welcome: President W. H. P. Faunce, of Brown University.

Annual address: The Modern Standard of Business Honor. Prof. Jeremiah W. Jenks, president of the American Economic Association.

Annual address: Religion Still the Key to History. Judge Simeon E. Baldwin, president of the American Historical Association.

10 p. m., reception by the committee of management of the John Carter Brown Library, Brown Union.

Second Session, Thursday, December 27, 10 a. m., Sayles Hall.

European History.

1. Protestantism and Tolerance. George L. Burr, professor in Cornell University.

2. The Renaissance of the Twelfth Century. Dana C. Munro, professor in the University of Wisconsin.

3. An Instance of Mediæval Humanism. Henry Osborn Taylor, New York City.

4. The Greek Renaissance in Italy. Louise Ropes Loomis, Cornell University.

5. Discussion by James Harvey Robinson, professor in Columbia University; Paul Van Dyke, professor in Princeton University.

1 p. m., luncheon, Lyman Gymnasium.

Third Session, Thursday, December 27, 3 p. m., Sayles Hall.

[Joint meeting with the New England History Teachers' Association.]

Conference on history in elementary schools. Chairman, James A. James, professor in Northwestern University.

Report of the Committee of Eight on History in Elementary Schools.

Discussion by H. P. Lewis, superintendent of schools, Worcester, Mass.; Herbert D. Foster, professor in Dartmouth College; John T. Manning, Public School No. 8, Bedford Park, N. Y.; Lucy M. Salmon, professor in Vassar College; Isaac

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O. Winslow, Thayer Street School, Providence; Julius Sachs, professor in the Teachers' College, Columbia University; James Sullivan, High School of Commerce, New York City.

3 p. m., meeting of the Executive Council and of committees, Rockefeller Hall.

5 to 7 p. m., reception by Mrs. William B. Weeden, 158 Waterman street.

FOURTH SESSION, THURSDAY, DECEMBER 27, 8 P. M., ROCKEFELLER HALL AUDITORIUM.

[Joint meeting with the American Economic Association.]

ECONOMIC HISTORY.

1. Babeuf's Place in the History of Socialism. Ulysses G. Weatherly, professor in the University of Indiana.

2. Labor Organization and Labor Politics, 1827–1837. John R. Commons, professor in the University of Wisconsin.

3. Some Recent Theories of the Stages of Economic Development. Edwin F. Gay, professor in Harvard University.

Discussion by Frederick J. Turner, professor in the University of Wisconsin (with reference to American history); Simon N. Patten, professor in the University of Pennsylvania; Edward P. Cheyney, professor in the University of Pennsylvania; Katharine Coman, professor in Wellesley College.

FIFTH SESSION, FRIDAY, DECEMBER 28, 10 A. M.

CONFERENCES.

I. On history in the college curriculum, Rockefeller Hall Auditorium. Chairman, Max Farrand, professor in Leland Stanford University.

Topic: The sequence of college courses in history. George B. Adams, professor in Yale University; Andrew C. McLaughlin, professor in the University of Chicago; Charles D. Hazen, professor in Smith College; George P. Garrison, professor in the University of Texas; John O. Sumner, professor in the Massachusetts Institute of Technology; H. Morse Stephens, professor in the University of California.

II. On the problems of State and local historical societies, Manning Hall. Chairman, Benjamin F. Shambaugh, State Historical Society of Iowa.

(1) Problems relative to the care and preservation of public archives:
   (*a*) The work of the public archives commission. H. V. Ames, professor in the University of Pennsylvania and chairman of the commission.
   (*b*) The public archives of Virginia. John P. Kennedy, State librarian, Richmond, Va.
   (*c*) The public archives of Pennsylvania. Luther R. Kelker, custodian of public records, Harrisburg, Pa.
   (*d*) Some points in connection with the work of the public archives of Iowa. John C. Parish, State University of Iowa.

(2) The marking of historic sites:
   (*a*) The marking of historic sites in America. Henry E. Bourne, professor in Western Reserve University.
   (*b*) The marking of historic sites on the Niagara frontier. Frank H. Severance, Buffalo Historical Society.
   (*c*) Marking the Santa Fe trail. George W. Martin, Kansas State Historical Society.

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1 p. m., luncheon at the building of the Rhode Island Historical Society, Waterman street.

3.30 p. m., annual meeting of the Association, Rockefeller Hall Auditorium.

SIXTH SESSION, FRIDAY, DECEMBER 28, 8 P. M., SAYLES HALL.

AMERICAN HISTORY.

1. A comparison of the Virginia Company with other trading companies. Susan M. Kingsbury, instructor in Simmons College.

2. Some general considerations concerning Massachusetts, Rhode Island, and Connecticut. Barrett Wendell, professor in Harvard University.

3. The Old Line Southern Whigs; a social interpretation. Ulrich B. Phillips, instructor in the University of Wisconsin.

4. The new colonial policy of Great Britain, 1760–1765. George Louis Beer, New York City.

5. Sovereignty in the American Revolution: An historical view. Claude H. Van Tyne, professor in the University of Michigan.

10 p. m., smoker at the Trocadero, Mathewson street.

SEVENTH SESSION, SATURDAY, DECEMBER 29, 10 A. M., ROCKEFELLER HALL AUDITORIUM.

AMERICAN HISTORY.

1. The impressment of seamen in the war of 1812. Clarence S. Brigham, Rhode Island Historical Society.

2. William Penn. Edward Channing, professor in Harvard University.

3. Gustav Koerner, a typical German-American leader. Evarts B. Greene, professor in the University of Illinois.

4. Some aspects of the English bill. Frank H. Hodder, professor in the University of Kansas.

5. The attitude of Thaddeus Stevens toward the conduct of the civil war. James A. Woodburn, professor in the University of Indiana.

HISTORICAL PRIZES.

The Justin Winsor Prize Committee.—Charles H. Hull (chairman), Cornell University; Edward P. Cheyney, University of Pennsylvania; Williston Walker, Yale University; Evarts B. Greene, University of Illinois; John H. Latané, Washington and Lee University.

The Herbert Baxter Adams Prize Committee.—Charles Gross (chairman), Harvard University; George Lincoln Burr, Cornell University; Victor Coffin, University of Wisconsin; James Harvey Robinson, Columbia University; John Martin Vincent, Johns Hopkins University.

For the encouragement of historical research the American Historical Association offers two prizes, each of $200—the Justin Winsor prize in American history, and the Herbert Baxter Adams prize in European history. Each is awarded biennially (the Winsor prize in the even years and the Adams prize in the odd years) for the best unpublished monograph submitted to the committee of awards on or before October 1 of the given year, e. g., by October 1, 1907, for the Adams prize in European history, and by October 1, 1908, for the Winsor prize in American history. The conditions of award are as follows:

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I. The prize is intended for writers who have not yet published any considerable work or obtained an established reputation.

II. *A. For the Justin Winsor prize.*—The monograph must be based upon independent and original investigation in American history, by which is meant the history of any of the British colonies in America to 1783, of other territories, continental or insular, which have since been acquired by the United States, of the United States, and of independent Latin America. It may deal with any aspect of that history—social, political, constitutional, religious, economic, ethnological, military, or biographical, though in the last three instances a treatment exclusively ethnological, military, or biographical would be unfavorably received.

B. For the Herbert Baxter Adams prize.—The monograph must be based upon independent and original investigation in European history, by which is meant the history of Europe, continental or insular, or colonial, excluding continental French America and British America before 1783. It may deal with any aspect of that history—social, political, constitutional, religious, economic, ethnological, military, or biographical, though in the last three instances a treatment exclusively ethnological, military, or biographical would be unfavorably received.

III. The monograph must present subject-matter of more than personal or local interest, and must, as regards its conclusions, be a distinct contribution to knowledge. Its statements must be accurate and the author in his treatment of the facts must show originality and power of interpretation.

IV. The monograph must conform to the accepted canons of historical research and criticism.

It must be presented in scientific form.

It must contain references to all authorities.

It must be accompanied by a critical bibliography. Should the bibliography be omitted or should it consist only of a list of titles without critical comments and valuations, the monograph will not be admitted to the competition.

V. If possible, the monograph should be typewritten, but in any case it should be presented to the committee free from erasures, interlineations, and other evidences of revision, though obvious mistakes of the typewriter should, of course, be corrected. If the work is not typewritten, it must be written carefully and legibly on only one side of the sheet, and must be in form ready for publication.

VI. In addition to text, footnotes, and bibliography, the monograph must contain nothing except the name and address of the author and a short introduction setting forth the character of the material and the purpose of the work. After the award has been made the successful competitor may add such personal allusions as are customary in a printed work.

VII. In making the award the committee will consider not only research, accuracy, and originality, but also clearness of expression, logical arrangement, and especially literary form. The successful monograph must be written in good English. The prize will not be awarded unless the work submitted shall be of a high degree of excellence.

VIII. The successful monograph will be published by the American Historical Association in its annual report. The author will be given 25 copies of his work bound separately in paper and 25 bound in cloth; but in case he desire additional copies for personal distribution, or to present as part of the requirement for the doctor's degree, he shall pay the cost of striking off the extra copies. Separate copies of the monograph, bound in cloth, may be obtained of the secretary, by anyone desiring them, at a cost of 50 cents each.

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IX. Under the rules of the Government the successful competitor can purchase copies of his work from the Public Printer, and put them on sale at such price as he may see fit. Any competitor may make such use of his manuscript as he desires, even while it is in the hands of the committee, provided that in case he receive the award he defer its publication by any one else than the Association until after the appearance of the report of the Association containing the work in question. He must, however, relinquish all right of copyright in his essay, since the copyright of material published by the Government is forbidden by statute.

Address all correspondence relative to the Justin Winsor prize to Prof. Charles H. Hull, Ithaca, N. Y.; and all correspondence relative to the Herbert Baxter Adams prize to Prof. George Lincoln Burr, Ithaca, N. Y.

The Justin Winsor prize (which until 1906 was offered annually) has been awarded as follows:

In 1896 to Herman V. Ames, for his work entitled "The Proposed Amendments to the Constitution of the United States."

In 1900 to William A. Schaper, for his work entitled "Sectionalism and Representation in South Carolina;" with honorable mention of the work of Mary S. Locke on "Anti-Slavery Sentiment before 1808."

In 1901 to Ulrich B. Phillips, for his work entitled "Georgia and State Rights;" with honorable mention of the work of M. Louise Greene on "The Struggle for Religious Liberty in Connecticut."

In 1902 to Charles McCarthy, for his work entitled "The Anti-Masonic Party;" with honorable mention of the work of W. Roy Smith on "South Carolina as a Royal Province."

In 1903 to Louise Phelps Kellogg, for her work entitled "The American Colonial Charter: a Study of Its Relation to English Administration, chiefly after 1688."

In 1904 to William R. Manning, for his work entitled "The Nootka Sound Controversy;" with honorable mention of the work of C. O. Paullin on "The Navy of the American Revolution."

In 1906 to Annie Heloise Abel, for her work entitled "The History of Events Resulting in Indian Consolidation west of the Mississippi River."

From 1897 to 1899 and in 1905 the Justin Winsor prize was not awarded.

The Herbert Baxter Adams prize was awarded:

In 1905 to David S. Muzzey, for his work entitled "The Spiritual Franciscans;" with honorable mention of the work of Eloise Ellery on "Jean Pierre Brissot."

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II.—REPORT OF PROCEEDINGS OF THE THIRD ANNUAL MEETING OF THE PACIFIC COAST BRANCH OF THE AMERICAN HISTORICAL ASSOCIATION.

By MAX FARRAND,

Professor in Leland Stanford Junior University.

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REPORT OF THE PROCEEDINGS OF THE THIRD ANNUAL MEETING OF THE PACIFIC COAST BRANCH OF THE AMERICAN HISTORICAL ASSOCIATION.

By Prof. MAX FARRAND.

The third annual meeting of the Pacific Coast Branch of the American Historical Association was held at Portland, Oreg., on Friday, November 30, and Saturday, December 1, 1906. The success of this meeting was due largely to the efforts of the Oregon Historical Association—in particular to the president of that body, Hon. William D. Fenton—and to the committee on local arrangements, of which Mr. George H. Himes, the assistant secretary and curator of the Oregon Historical Society, was chairman.

The first session was on Friday afternoon, in the assembly hall of the high school, the vice-president of the Pacific Coast Branch, Mr. W. D. Fenton, presiding. In opening the session Mr. Fenton spoke briefly upon the great future of historical work on the Pacific coast and expressed his belief that there was an opportunity for the writing of a history which would take a high place in English literature.

The first paper was read by Prof. J. N. Bowman, of the University of California, upon "Cook's place in Northwestern history." His argument was based upon the great practical interest in the fur trade which attracted Americans to the Northwest. Lewis and Clark were not the originators of this, but Captain Cook, in his last voyage in search of the Northwest Passage, explored the coast for furs, and the report of his voyage, with the possible profits to be derived from the direct trade in furs between the northwest coast and China, brought the first traders to the coast and brought about the establishment of a company in England for the prosecution of this trade. The Russians had preceded Cook in discovering the fur animals of the north, but Cook made it generally known to the western world and recommended direct trade with China. Again, the fur-trading companies of Canada inevitably would have discovered the fur animals of the coast, so that Cook was not indispensable. His importance is in the internationality given to his knowledge, and the readiness of Europe and America to begin the trade places him at its

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starting point. The discovery of the fur and the possibility of its trade brought the United States first into contact with the Northwest. With this trade begins the opening of the Northern Pacific. Cook's place, then, was not that of the first discoverer. His place is that of the opener of the Northwest, and, with the world's readiness to enter, the beginner of its regular history.

In concluding his paper, Professor Bowman said:

In taking a general view of Cook, one notes that in the Northwest he leaves the first permanent names and selects the port for the early traders; that he is the scientific pioneer, the harbinger of the fur animal, and the inciter of our fur trade. Because of the fur trade in itself and its resultant interests in politics and culture his highest place is in discovering the fur in the Northwest and making it generally known at a time when the world was ready to receive it.

Here he occupied a vivid and distinct place in many respects; in the economic and political history of the Northwest; in China and the East; in the great political disturbances over Nootka, Oregon, and the San Juan Islands; in making the Pacific an international ocean and the new Mediterranean Sea; and, lastly, in the creation of the antipodal borderland between Europe and Asia.

Cook's place is not an indispensable one, in the sense of the indispensability of the preaching of St. Paul, the crowning of Charlemagne, the Norman Conquest. The tendencies and movements were already actively directed toward accomplishing in some way what he accomplished. His place is somewhat like that of Columbus for the New World; he actively opened the Northwest to the world and bade the nations enter.

Prof. Joseph Shafer, of the University of Oregon, followed with a paper upon a closely allied subject, "Origin of British interest in the Northwest."

The author explained that the paper was intended to illustrate one phase of certain investigations he has been making into the early history of the Pacific Northwest. The researches as a whole have convinced him that the part played by Great Britain in that history, from its earliest beginnings to the treaty of 1846, has been, perhaps unconsciously, minimized by American writers. Following Greenhow (a splendidly equipped man, who, however, held a brief for the American Government as against Great Britain), our historians have overemphasized the importance both of the early Spanish and of the early American interests on the northwest coast. Consequently, northwestern history as a whole is viewed in a wrong perspective.

Spain has commonly been credited with completing, as well as with beginning, the exploration of the west coast of North America, and in a technical sense the award is properly bestowed, for the Spaniards were the first to sail ships along that coast from latitude 42° to latitude 55°. But the results of these early Spanish voyages had not been given to the world when Great Britain's most famous navigator, Captain Cook, covered nearly the exact course the Spaniards had taken, and in addition explored the entire Pacific coast of Alaska.

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The Spanish voyages in question illustrated no definite national policy on the part of Spain; they were made in consequence of a sort of counsel of despair, Spain fearing that unless she strengthened her claims to the region north of Mexico in some such way both Britain and Russia were likely to secure a lodgment there, which might prove disastrous to her American empire. On the other hand, the visit of Captain Cook to the northwest coast was in strict accordance with British national policy; it was a natural, almost an inevitable, step in the development of her maritime interests.

For it had become the policy of Great Britain to secure the commercial mastery of the Pacific. Twenty-two years before Cook set out on his third voyage Mr. Arthur Dobbs gave a clear and fascinating exposition of this policy in his book on Hudson Bay. His statement of it embraced (a) the discovery of a northwest passage from the Atlantic into the Pacific; (b) the establishment of one great naval station somewhere on or just off the coast of California and another off the southern point of South America, in the Pacific; (c) the complete exploration of the Pacific in all its parts for the purpose of discovering new islands and peoples with whom trade was to be inaugurated.

The Government failed in its attempt to find a northwest passage; but as soon as the stress of the mid-century wars was relieved it sent a succession of navigators—Byron, Wallis, Carteret, and Cook—into the Pacific to explore its mysteries.[a] Having practically completed his work in the South Pacific during his first two voyages, it was but natural that Cook should have been sent next to the North Pacific for the purpose of exploring the coast of North America, still undetermined, and discovering if possible a passage from Bering Strait to the Atlantic.

This paper was discussed by Dr. J. R. Wilson, one of the principals of Portland Academy. He maintained that the British interest went back further than Cook, viz, to Francis Drake, from whom came the first enunciation of English policy of the occupation of unsettled lands, which resulted in the occupation of Oregon by the pioneers. According to her own principles, Great Britain was forced to recognize the American occupation at Astoria, and the Hudson Bay Company favored settlement by Americans south of the Columbia after 1818. The principle of the Hudson Bay Company, however, was one of objection to settlement within their own territory because it interfered with the fur trade. Accordingly the Hudson Bay Company objected to the settlement by the English north of the Columbia, which would have held that section for England.

Prof. F. G. Young, of the University of Oregon, read the last paper of the session upon "Finances of the Cayuse Indian War,

[a] Attention was called to the profound interest created by the published report of Lord Anson's earlier expedition into the Pacific for military purposes.

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1847–48." Professor Young's paper, while upon northwestern history, dealt with a later period, and presented the results of a more intensive study.

After the appointment of the usual committees by the chair the session adjourned.

On Friday evening at the Portland Hotel a reception and banquet were held under the auspices of the Oregon Historical Association, Hon. W. D. Fenton presiding. Speeches at the banquet were made by President Campbell, of the University of Oregon; Prof. Max Farrand, of Stanford University; Prof. J. N. Bowman, of the University of California; Mrs. Eva Emery Dye; Prof. C. A. Duniway, of Stanford University; Mr. J. B. Lee, and Mrs. Abigail Scott Duniway.

On Saturday morning the second session was held in the high school, Prof. H. L. Bates, of Pacific University, presiding.

Professor Duniway, of Stanford University, presented an interesting paper entitled "Some suggestions on the Federal relations of the States."

Passing rapidly over what might be called the normal activities of the Federal Government, such as the management of foreign relations and the maintenance of an army and a navy, the speaker took up the great categories of the functions of the Federal Government which profoundly and intimately affect the daily life of the people wherever they live. Such are the management of the post-office, the public lands, Indian relations, interstate and international commerce, indirect taxation, currency, and banking.

The judicial function, too, was considered as a living force in all parts of the Union.

In each and every one of these fields the Federal Government has steadily increased its activities. This result, it was claimed, had not been produced by encroachments of a central government seeking to extend its own functions at the expense of the State governments. It had been due primarily to the increasing demands of the people of the States that the powers and resources of the Federal Government should be exerted and expended for the benefit of their localities.

In discussing the paper, Judge George H. Williams stated that the generalization was fully warranted by events throughout the country. The value of a Senator or Representative depends upon what he can obtain from the central Government for the district which he represents.

Prof. E. M. Hulme, of the University of Idaho, differed with the position taken in the paper read, because he felt that a distinction should be made between the expenditure of Government monies and the encroachment of Government activities. The former comes from local demands, the latter comes from the central Government, and the States are opposed to it.

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In reply, Professor Duniway maintained that this was not a distinction, but that they were different phases of the same thing. An interesting discussion followed between Professor Hulme, Professor Duniway, and Judge Williams.

Mr. Don E. Smith, of the University of California, then read a paper entitled "Some considerations on the history of Spain and Spanish America in the eighteenth century."

The author declared that in the historiography of Spain and Spanish America one of the most striking features is the neglect of the eighteenth century. Although there was brought about during this century a revolution in the Spanish colonial system of far-reaching importance to both the colonies and the mother country, yet no one has yet made clear the processes by which all this was accomplished.

The sixteenth century has been done with almost excessive thoroughness. The veriest details of the equipment of expeditions for discovery and exploration are known; and, not content with the increasing volume of new publications treating this first century in American history, new editions of the older works are beginning to appear. This paper entered a protest against the overemphasis of the sixteenth century which has prevailed in the past, and appealed for a more serious consideration of the great colonial reform movements of the eighteenth century.

The more enlightened methods of administering the archives in Spain and Mexico and the recrudescence of interest on the Pacific coast for American history in its widest sense ought to result in the making clear of the last century of Spanish America as a dependency of Spain.

The death of William I. Marshall, of Chicago, having been recently announced, Mr. T. C. Elliott, of Walla Walla, Wash., made a brief statement regarding the importance of the work he had done for the history of Oregon. He also spoke in recognition of the zeal of Marshall in gathering data for the history of the Northwest. Professor Duniway and Professor Hulme also spoke briefly in appreciation of Mr. Marshall's work.

In the session of Saturday afternoon Prof. Max Farrand, of Stanford University, made an informal statement of the results of a critical examination of the records of the Federal Convention of 1787. The chief points were that the so-called "official" Journal was not what it appeared to be and was not to be relied upon absolutely; that Madison had supposed the Journal to be official and had revised his manuscript from it, embodying many of its mistakes in his records, and thereby confirming certain errors; that Madison also in a large number of cases had copied from the notes of Yates.

The paper was discussed by Mr. F. V. Holman, of Portland, who did not think that the results were of great importance, because they

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did not affect the construction and interpretation of the Constitution. Professor Shafer spoke of a similar case in Pacific coast history in the falsity of Wilkes's History of Oregon, which was written to promote a transcontinental railroad, and he claimed the so-called "Journal" was made up from the Burnett letters, used recklessly without regard to the truth. Mr. Holman objected to the sweeping condemnation of Wilkes. Judge Williams followed with an interesting statement of the first constitutional convention of Oregon, of which he had been a member.

The business session was held on Saturday afternoon. A brief report was made by the secretary-treasurer.

A telegram of greeting from the Council of the American Historical Association then meeting in New York was read.

Professor Duniway, for the executive committee, reported a recommendation that the committees on Historical Manuscripts, Public Archives, and the Teaching of History be continued; that Prof. H. Morse Stephens be appointed a delegate to the American Historical Association; and presented the following resolutions:

Resolved, That the executive committee be instructed to cooperate in all possible ways with the Oregon Historical Society for the preservation of the archives of Oregon.

Resolved, That the American Historical Association be hereby requested to use its best offices to obtain access for scholars to the Hudson Bay Company's manuscripts in England (and wherever else they may be found), which are of great importance to the early history of the Pacific coast, but at the present time are practically inaccessible.

The report of the executive committee was adopted.

The committee on nominations, Prof. F. G. Young (chairman), Mr. Don A. Smith, and Mr. F. V. Holman, made the following report: For president, William D. Fenton, of Portland; vice-president, James D. Phelan, of San Francisco; for secretary-treasurer, Prof. C. A. Duniway, of Stanford University.

The secretary was instructed to cast a ballot for the above officers.

As additional members of the executive committee, the following were elected: Prof. H. Morse Stephens, of the University of California; Prof. Max Farrand, of Stanford University; Prof. Joseph Schafer, of the University of Oregon.

The committee on resolutions, Mr. T. C. Elliott (chairman), Dr. J. R. Wilson, and Prof. E. M. Hulme, reported the following:

Resolved, That the members of the Pacific Coast Branch of the American Historical Association, assembled in meeting in Portland, Oreg., on November 30 and December 1, 1906, express their thanks to the Oregon Historical Society for the courtesies of meeting place, banquet, and other local arrangements, and particularly to President Fenton and Assistant Secretary Himes, who have borne the special burdens of these arrangements.

The resolution was adopted.

The meeting adjourned.

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III. THE RENAISSANCE OF THE TWELFTH CENTURY.

By DANA CARLETON MUNRO, A. M.,
Professor in the University of Wisconsin.

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THE RENAISSANCE OF THE TWELFTH CENTURY.

By Dana Carleton Munro.

Renaissance is popularly understood to mean the revival of classical arts and literature. Taken in this narrow sense, the expression, "Renaissance of the twelfth century," is misleading. It is true that during this century, in John of Salisbury, the cultivation of the Latin literature reached the highest point attained during the Middle Ages. It is also true that other authors of this period were steeped in the beauty of the Latin writings, and, after the model of their masters, wrote prose and verse which are not without merit. Some of their productions have even been attributed to classical authors. The poems of Archbishop Baldric of Dol are written in the style of Virgil or of Ovid. William of Tyre puts into the mouths of his characters speeches which are clearly composed under the influences of Livy and other Roman historians. But this was in reality a culmination of the work of the preceding generations, and not a renaissance. Furthermore, even when this delight in classical literature was at its height some were decrying the devotion to nonpractical studies. John of Salisbury has much to say of the Cornificians, the opponents of the classics. His arguments are weighty and remind us of those used at the present day. But he was fighting a losing battle, and classical studies were destined to suffer an eclipse from which they would emerge only in the days of the Italian renaissance.

The term "Renaissance of the twelfth century" may be justified if renaissance be taken in its true meaning of new life, for the twelfth century was a period of wonderful advance along very many different lines. It has become commonplace to speak of the modernity of Abelard's point of view. But only gradually has it been realized how completely he was in this an exponent of the new ideas of his age. This delay has been due mainly to the fact that attention has been concentrated, to a great degree, on the political and constitutional history, on the dramatic struggles between church and state, on the great crusading expeditions, or in the domain of thought on the development of scholasticism. Too often have we

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forgotten that we still delight in and imitate the most characteristic productions of the age, the literature of chivalry, and the Gothic architecture. As soon as we turn our attention to these we realize how rapid the evolution had been.

As always in such periods of sudden transition, some clung the more firmly to the old ideas, and even exaggerated them. The spirit of asceticism was never more prominent in western monasticism than among the early Cistercians, Carthusians, or Premonstratensians. Mysticism opposed itself to the prevailing spirit of the age and was often victorious. St. Bernard preached to the students at Paris on the vanity of study and twenty of them followed him to Clairvaux.

The contrasts are marked in every phase of life and thought. It was inevitable that while some were advancing with giant strides others were unwilling to break with traditions, to abandon what was approved by authority; still others pressed the new spirit into the service of the existing institutions. Thus, while Abelard by his teaching inculcuated scientific doubt, Gratian drew up his Decretum. This in its form recalls the Sic et Non, but Abelard simply stated the question and set in array the opposing authorities. Gratian went one step further and undertook to prove that there was only a seeming disagreement between the authorities; hence the subtitle so often given to his work, Concordantia canonum discordantium.

What then were the most prominent of the new ideas? It is manifestly impossible to take up all the different phases, and an attempt must be made to draw a picture which will portray in bold relief the factors which seem most important. Of course, any such representation will be faulty. It will be necessary to make generalizations without supplying data. Many fruitful themes must be omitted, and illustrations can be drawn from only a few of the many activities of the age.

The most marked characteristic of the twelfth century was the evolution of the spirit of independence. This was manifest in many different modes of thought and action. Above all, men became less subservient to authority. They began to doubt whether what they had been taught was entirely true. The discussions during the investiture struggle had been somewhat influential in shaking their faith, because the partisans had set up one tradition against another and had denied the validity of tradition opposed to their own point of view. Again, absolute trust was weakened when men found that some statements which had been accepted without question were not true. The crusaders sometimes made naïve confessions that they had not found the conditions in the Holy Land such as they had been taught to expect. The evil lives of some members of the clergy aroused the suspicion that such men might not be fit to administer the sacraments. This doubt, by no means new, led to heresy. As a whole this weaken-

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ideal, service to others, had become the dominant feature in the later monasticism.

All of these factors were the product of the restlessness of the age. Men were constantly in motion. Crusades took tens of thousands away from their homes and brought the peoples of Europe into contact with one another. Those who did not go on the crusades or other great expeditions were extremely mobile. The population was not at all stationary, chained to the soil. This was the era of villeneuves, of the growth of older cities, of the great fairs, of the migration of masons from one city to another, of the wandering jongleur and student. "Mixture, or at least contact, of races is essential to progress," and the countries of western Europe, after several centuries of comparative isolation, now experienced the advantages of this mixture or contact. Wealth increased, new tastes were formed and gratified, learning advanced, life became fuller, the spirit of nationality was awakened.

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IV.—A MEDIÆVAL HUMANIST: SOME LETTERS OF HILDEBERT OF LAVARDIN.

By HENRY OSBORN TAYLOR,
Of New York City.

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A MEDIÆVAL HUMANIST: SOME LETTERS OF HILDEBERT OF LAVARDIN.

By Henry Osborn Taylor.

The Middle Ages were determined intellectually by great masses of classical material—law, philosophy, belles-lettres—transmitted from the ancient civilization and used in mediæval fashion by mediæval men. To illustrate the subtle working of the antique culture upon the character and temperament, no better example can be given than the letters of Hildebert of Lavardin, who became bishop of Le Mans in 1095 and, a number of years afterwards, archbishop of Tours. This prelate exemplifies the influence of the antique, not so strikingly in the knowledge which he possessed or the particular opinions which he entertained as in the balance and temperance of his attitude toward life and incidentally in his fine facility of scholarship.

Hildebert was born at Lavardin, a village near the mouth of the Loire, about the year 1055. He belonged to an unimportant but gentle family. One of his early teachers was Berengar of Tours, and he may have passed some time in the monastery of Clugny, of whose great abbot, Hugh, he wrote a life. But whatever appears to have been the character of his early environment, Hildebert belongs essentially to the secular clergy and never was a monk. While comparatively young he was made head of the cathedral school of Le Mans and then archdeacon. In the year 1095, when about 40 years old, the old bishop of Le Mans died, and Hildebert was somewhat quickly chosen as his successor by the clergy and people of the town, in spite of the protests of certain of the canons of the cathedral. The none too happy scholar-bishop found himself at once a powerless but not inconsiderable element of a violently complicated feudal situation. There was the noble Helias, Count of Maine, who was holding his domain against Robert the Devil, the latter supported somewhat laxly by William Rufus of England, who claimed the overlordship of the land. Helias reluctantly acquiesced in Hildebert's election. Not so Rufus, who never ceased to hate and persecute the man that, without his royal consent, had obtained the see which had been in the gift of his father, William the Conqueror. It happened soon after that Count Helias was taken prisoner by his opponent and was delivered

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over to Rufus at Rouen. But Fulk of Anjou came in, presented himself at Le Mans, entered it, and was acknowledged as its lord. He left a garrison and departed before the enraged Red King reached the town. The latter began an unsuccessful siege and soon made terms with Fulk, by which Le Mans was to be given to Rufus, Helias was to be set free, and many other matters were left quite unsettled.

Now Rufus enters the town (1098), where Hildebert nervously receives him. Helias, set free by the King, offers to become his feudal retainer. Rufus will have none of him; so Helias defies the King and is permitted to go his way by that strange man, who held his knightly honor sacred, but otherwise might commit any atrocity prompted by rage or greed. It was well for Helias that trouble with the French King now drew Rufus to the north. The next year, 1099, Rufus in England hears that the Count has renewed the war and captured Le Mans, except the citadel. He hurries across the channel, rushes through the land, enters Le Mans, and passes on through it, chasing Helias. But the war languishes, and Rufus returns to Le Mans, or to what was left of it. Hildebert had cause to tremble. He had met the King on the latter's hurried arrival from England for the war. Rufus had spoken him fair. But now, at Le Mans, he was accused by his enemies before the monarch of complicity in the revolt. Quickly flared the King's anger against the man whom he never had ceased to detest. He ordered him to pull down the towers of his cathedral, which rose threatening and massive over the city's ruins and the citadel of the King. What could the defenseless bishop do to avert disgrace and the desolation of his beloved church? Words were left him, but they did not prove effectual. Rufus commanded him to choose between immediate compliance and going to England, there to submit himself to the judgment of the English bishops. He accepted the latter alternative and followed the King, leaving his diocese ruined and his people dispersed. In England, Rufus dangled him along between fear and hope, till at last the disheartened prelate returned to the continent, having ambiguously consented to pull down those towers. But instead, he set to work to repair the devastation of his diocese. The reiterated mandate of the King was not long in following him, and this time coupled with an accusation of treason. Hildebert's state was desperate. His clergy were forbidden to obey him, his palace was sacked, his own property destroyed. Such were William's methods of persuasion. Then the King proposed that the bishop should purge himself by the ordeal of hot iron. Hildebert, the bishop, the theologian, the great scholar, was almost on the verge of taking up the challenge, when a letter from Yves, the saintly and very able bishop of Chartres, dissuaded him. At this moment, when ruin was his portion and there was no escape, an arrow ended the Red King's life in the New Forest.

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And now what a revulsive change! Henry I, Beauclerc, was from the first as much his friend as William Rufus to the last had been his enemy. Hitherto Hildebert has appeared weakly endeavoring to elude destruction and, perhaps, with no unshaken loyalty in his bosom toward any cause except his dire necessities. Henceforth, sailing a calmer sea, he repays Henry's favor with adherence and admiration. He has no support to offer Anselm of Canterbury, still struggling with the English monarchy over investitures, nor has he one word of censure for the clever cold-eyed scholar King who kept his brother Robert of Normandy a prisoner for twenty-eight years till he died. Hildebert had still thirty years of life before him, nor were they all to be untroubled. He was once more, for a while, to be driven from his diocese, when he took the opportunity to write an interesting poem on his exile. In 1125 he was made archbishop of Tours. He had trouble over investitures with Louis le Gros of France, and wrote many letters, one famous one beginning: Silent amici, silent sacerdotes Christi. But, on the whole, good fortune filled his sails till he died in 1134.

Hildebert was a classical scholar, unexcelled in his time, and a skillful writer of both prose and verse. Many of his elegiacs survive, some of them so antique in sentiment and so excellent in meter that they have been mistaken by comparatively modern scholars for genuine antiques. One of the best is his elegy on Rome, beginning thus:

Par tibi, Roma, nihil, cum sis prope tota ruina;
Quam magni fueris integra fracta doces.
Longa tuos fastus aetas destruxit, et arces
Caesaris et superûm templa palude jacent.

The closing lines of the poem are interesting:

Hic superûm formas superi mirantur et ipsi,
Et cupiunt fictis vultibus esse pares.
Non potuit natura deos hoc ore creare
Quo miranda deûm signa creavit homo.
Vultus adest his numinibus, potiusque coluntur
Artificum studio quam deitate sua.
Urbs felix, si vel dominis urbs illa careret,
Vel dominis esset turpe carere fide!

One may be almost startled to hear this frank medieval note of admiration for the idols of pagan Rome. But the spell of the classics lay on Hildebert, as on many others of his time. This good bishop sometimes lets his fancy and his pen course free from the restraints of meter, and then he can produce such biting squibs as the following:

Femina perfida, femina sordida, digna catenis.
* * * * *
O miserabilis, insatiabilis, insatiata.
Desine scribere, desine mittere, carmina blandia,
Carmina turpia, carmina mollia, vix memoranda,
Nec tibi mittere, nec tibi scribere, disposui me;
* * * * *
Mens tua vitrea, plumbea, saxea, ferrea, nequam,
Fingere, fallere, prodere, perdere, rem putat aequam.

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Yet, with all his classical leanings, the major part of Hildebert was Christian. His theological writings which survive, his zeal against certain riotous heretics, and in general his letters leave no doubt of this. It is from the Christian point of view that he gives his sincerest counsels; it is from that that he balances the advantages of an active or contemplative life, the claims of the Christian vita activa and vita contemplativa. Yet his classic tastes gave temperance to his Christian views and often drew him to sheer scholarly pleasures and to an antique consideration of the incidents of life.

How sweetly the elements were mixed in him appears in a famous letter written to William of Champeaux, that Goliath of realism whom Abelard discomforted in the Paris schools. The unhappy William retreated a little ways across the Seine and laid the foundations of the abbey of St. Victor in the years between 1108 and 1113. He sought to abandon his studies and his lectures and surrender himself to the austere salvation of his soul, and yet scarcely with such irrevocable purpose as would rebuff the temperate advice of Hildebert's letter proffered with tactful understanding.

Over thy change of life my soul is glad and exults, that at length it has come to thee to determine to philosophize. For thou hadst not the true odor of a philosopher so long as thou didst not cull beauty of conduct from thy philosophic knowledge. Now, as honey from the honeycomb, thou hast drawn from that a worthy rule of living. This is to gather all of thee within virtue's boundaries, no longer huckstering with nature for thy life, but attending less to what the flesh is able for than to what the spirit wills. This is truly to philosophize; to live thus is already to enter the fellowship of those above. Easily shalt thou come to them if thou dost advance disburdened. The mind is a burden to itself until it ceases to hope and fear. Because Diogenes looked for no favor, he feared the power of no one. What the cynic infidel abhorred, the Christian doctor far more amply must abhor, since his profession is so much more fruitful through faith. For such are stumbling-blocks of conduct, impeding those who move toward virtue.

But the report comes that you have been persuaded to abstain from lecturing. Hear me as to this. It is virtue to furnish the material of virtue. Thy new way of life calls for no partial sacrifice, but a holocaust. Offer thyself altogether to the Lord, since so he sacrificed himself for thee. Gold shines more when scattered than when locked up. Knowledge also when distributed takes increase, and unless given forth, scorning the miserly possession, it slips away. Therefore do not close the streams of thy learning.[a]

Eventually William followed this or other like advice. One sees Hildebert's sympathetic point of view; he entirely approves of William's renunciation of the world—a good bishop of the twelfth century might also have wished to renounce its troublous honors! Yes, William has at last turned to the true and most disburdened way of living. But this abandonment of worldly ends entails no abandonment of Christian knowledge or surrender of the cause of

[a] Hildeberti Epist. I, 1, Migne 171, Col. 141.

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Christian learning. Nay, let William resume and herein give himself to God's will without reserve.

So the letter presents a temperate and noble view of the matter, a view as sound in the twentieth century as in the twelfth. And a like broad consideration, Hildebert brings to a more particular discussion of the two modes of Christian living, the *vita activa*, and the *vita contemplativa*, Leah and Rachel, Martha and Mary. He amply distinguishes these two ways of serving God from any mode of life with selfish aims. It happened that a devout monk and friend of Hildebert was made abbot of the monastery of St. Vincent, in the neighborhood of Le Mans. The administrative duties of an abbot might be as pressing as a bishop's. This good man deplored his withdrawal from a life of more complete contemplation. So Hildebert wrote him a long discursive letter, of which we give the thread of argument:

You bewail the peace of contemplation which is snatched away, and the imposed burden of active responsibilities. You were sitting with Mary at the feet of the Lord Jesus, when lo, you were ordered to serve with Martha. You confess that those dishes which Mary receives, sitting and listening, are more savory than those which zealous Martha prepares. In these, indeed, is the bread of men, in those the bread of angels.

And Hildebert descants upon the raptures of the *vita contemplativa*, of which his friend is now bereft, and then continues:

The contemplative and the active life, my dearest brother, you sometimes find in the same person, and sometimes apart. As the examples of Scripture show us. Jacob was joined to both Leah and Rachel; Christ teaches in the fields, anon he prays on the mountains; Moses is in the tents of the people, and again speaks with God upon the heights. So Peter, so Paul. Again, action alone is found, as in Leah and Martha, while contemplation gleams in Mary and Rachel. Martha, as I think, represents the clergy of our time, with whom the press of business closes the shrine of contemplation and dries up the sacrifice of tears.

No one can speak with the Lord while he has to prattle with the whole world. Such a prattler am I, and such a priest, who when I spend the livelong day caring for the herds, have not a moment for the care of souls. Affairs, the enemies of my spirit, come upon me; they claim me for their own, they thieve the private hour of prayer, they defraud the services of the sanctuary, they irritate me with their stings by day and infest my sleep; and, what I can scarcely speak of without tears, the creeping furtive memory of disputes follows me miserable to the altar's sacraments—all such are even as the vultures which Abraham drove away from the carcasses. (Genesis xv, 11.)

Nay more, what untold loss of virtue is entailed by these occupations of the captive mind! While under their power we do not even serve with Martha. She ministered, but to Christ; she bustled about, but for Christ. We truly, who, like Martha, bustle about and, like Martha, minister, neither bustle about for Christ, nor minister to him. For if in such bustling ministry thou seekest to win thine own desire, art taken with the gossip of the mob, or with pandering to carnal pleasures, thou art neither the Martha whom thou dost counterfeit nor the Mary for whom thou dost sigh.

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In that case, dearest brother, you would have just cause for grief and tears. But if you do the part of Martha simply, you do well; if, like Jacob, you hasten to and fro between Leah and Rachel, you do better; if with Mary you sit and listen, you do best. For action is good, whose pressing instancy, though it kill contemplation, draws back the brother wandering from Christ. Yet it is better, sometimes seated, to lay aside administrative cares, and amid the irksome nights of Leah, draw fresh life from Rachel's loved embrace. From this intermixture the course to the celestials becomes more inclusive, for thereby the same soul now strives for the blessedness of men and anon participates in that of the angels. But of the zeal single for Mary, why should I speak? Is not the Saviour's word enough, "Mary hath chosen the best part, which shall not be taken from her?"

And in closing, Hildebert shows his friend, the abbot, that for him the true course is to follow Jacob, interchanging Leah and Rachel; and then in the watches of his pastoral duties the celestial vision shall be also his.[a]

Could anyone adjust more fairly this contest, so insistent throughout the annals of mediæval piety, between active duties and heavenly contemplation? The only solution for abbot and bishop was to join Leah with Rachel. And very clearly Hildebert sees the pervasive peril of the active life, that the prelate be drawn to serve his pleasures and not Christ. Many souls of prelates had that cast into hell!

In theory Hildebert is clear as day, and altogether Christian, so far as we have followed the counsels of these letters. But in fact, at least, for him the quiet life had its temptation, to which he yielded himself more generously than to any of the grosser lures of his high prelacy. This temptation, so alluring and insidious, so fairly masked under the proffer of learning leading to fuller Christian knowledge, was of course the all too beloved pagan literature, and the all too humanly convincing plausibilities of pagan philosophy. Hildebert's writings evince that kind of classical scholarship which springs only from great study and great love. His soul does not appear to have been riven by a consciousness of sin in this behoof. Sometimes he passes so gently from Christian to pagan ethics as to lead one to suspect that he did not deeply feel the inconsistency between them. Or again he seems satisfied with the moral reasonings of paganism, and sets them forth without a qualm. For there was the antique pagan side of our good bishop; and how pagan thoughts and views of life had become a part of Hildebert's nature appears in a most interesting letter written to King Henry consoling him upon the loss of his son and the noble company so gaily sailing from Normandy in that ill-starred "White Ship" in the year 1120.

Hildebert begins reminding the King how much more it is for a monarch to rule himself than others. Hitherto he has triumphed over fortune, if fortune be anything; now she has wounded him with

[a] Hildeberti Epis. I, 22, Migne 171, Col. 197.

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her sharpest dart. Yet that can not penetrate the well-guarded mind. It is wisdom not to vaunt oneself in prosperity, nor be overwhelmed with grief in adversity. Hildebert then reasons on the excellence of man's nature and will; he speaks of the effect of Adam's sin in loss of grace and entailment of misery on the human race. He quotes from the Old Testament and from Virgil. Then he proceeds more specifically with his fortifying arguments. Their sum is, let the breast of man abound in weapons of defence and contemn the thrusts of fortune; there is nothing over which the triumphant soul may not triumph. "Unhappy he who lacks this armament; and most unhappy he who besides does not know it. Here Democritus found matter for laughter, Demosthenes (sic) matter for tears. Far be it from thee that the chance cast of things should affect thee so, and the loss of wisdom follow the loss of offspring. Thou hast suffered on dry land more grievous shipwreck than thy son in the brine, if fortune's storm has wrested wisdom from the wise."

After a while Hildebert passes on to consider what is man, and wherein consists his welfare: "To anyone carefully considering what man is, nothing will seem more probable than that he is a divine animal, distinguished by a certain share of divinity (*numinis*). By bone and flesh, he smacks of the earth. By reason, his affinity to God is shown. Moses, inspired, certifies that by this prerogative man was created in the image of God. Whence it also follows for man that he should through reason recognize and love his true good. Now, reason teaches that what pertains to virtue is the true good, and that it is within us. The things we temporally possess are good only by opinion (*opinione*, i. e., not *ratione*) and these are about us. What is about us is not within our *jus*, but another's (*alterius juris sunt*). Chance directs them; they neither come nor stand under our arbitriment. For us they are at the lender's will (*precaria*) like a salve belonging to another.[a] Through such, true felicity is neither had nor lost. Indeed, no one is happy, no one is wretched by reason of what is another's. It is his own that makes a man's good or ill, and whatever is not within him is not his own." Then Hildebert speaks of dignities; of wife and child; of the fruits of the earth and riches—bona vaga, bona sunt pennata haec omnia. Men quarrel and struggle about all these things—ecce vides quanta mundus laboret insania![b]

[a] A technical illustration from Roman law.

[b] Hildeberti, Ep. I, XII, Migne 171, Col. 172–177. Compare Ep. I, XVII, consoling a friend on loss of place and dignities. Hildebert's works are in vol. 171 of Migne's Patrol. Lat. A number of his poems are more carefully edited by Hauréau in Notices et Extraits des Mss. etc., vol. 28, II, p. 289 sqq., and some of them in vol. 29, II, p. 231 sqq. of same series. On the man and his writings, see Hauréau, Philosophie Scholastique I, 308–315; Deservillers, Hildebert et son temps (Paris, 1876); Hebert-Duperron, De Venerabilis Hildeberti vita et scriptis (Bajocis, 1855); also Vol. XI of Hist. lit. de la France; Dieudonné, Hildebert de Lavardin, sa vie, ses lettres, etc. (Paris, 1898).

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No one need point out how much more natural this reasoning would have been in the lips of Seneca than in those of an Archepiscopal contemporary of St. Bernard. One may, however, comment on the patent fact that this reflection of the antique in Hildebert's ethical consolation reflects a manner of reasoning, rather than an emotional mood, and in this it is an instance of the general principle that mediæval methods of reasoning, consciously or unconsciously, followed the antique; while the emotion, the love and yearning, of mediæval religion was more largely the gift of Christianity.

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V.—REPORT OF THE CONFERENCE ON THE TEACHING OF HISTORY IN ELEMENTARY SCHOOLS.

By JAMES ALTON JAMES,

Professor of History, Northwestern University, and Chairman of the Conference.

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REPORT OF THE CONFERENCE ON THE TEACHING OF HISTORY IN THE ELEMENTARY SCHOOLS.

By JAMES A. JAMES, *Chairman.*

In opening the Conference, Professor James spoke of the conferences at Chicago and Baltimore. He then took up the question for the present Conference, and said in part:

Entering for a third time into conference on the subject of History in the Elementary Schools, the problem which has been assigned to the Committee of Eight, it is thought desirable to indicate something of the method used in reaching the conclusions and the purpose of the committee in its work. Each member has been in touch with the work of the elementary schools for a number of years. Besides, the members have consulted with teachers in the various grades relative to different features of the report. Steps were taken to secure discussions on the more important questions by a number of teachers' associations. By thus offering the opportunity for free discussion many teachers have become interested in the plans of the committee and have given desirable information on the conditions now prevailing in the schools of different parts of the country. Such a discussion constituted a part of the programme of the History Teachers' Association of the Middle States and Maryland shortly before the appointment of the committee. Portions of the report have been considered by the History Teachers' Association of the North Central States and the Chicago History Teachers' Association. During the past year letters asking for information on the status of history courses have been sent to superintendents of public instruction in every State, and some three hundred letters to schools in all parts of the United States. These typical schools were selected, as far as possible, upon recommendation of competent authorities. They included all types, from the school in the small town to that of the large city. Two members of the committee have, during the period of our investigation, spent some months in Germany and France. They were granted the privilege of observing the actual work in the

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elementary schools of these countries. It can not be said, we believe, that our conclusions have been reached hastily, nor that the report is the result of the working out of mere theories of the committee.

I shall now attempt to state the general conclusions of the committee.

1. It is believed that a leading aim in history teaching is to help the child to appreciate what his fellows are doing and to help him to intelligent voluntary action in agreement or disagreement with them. To accomplish these results there must be continuous attention, in each of the grades, to contemporary problems suitable to his intelligence and also attention to events in the past that he can understand. The following fields of human activity must furnish these events: Political, industrial, social, religious. No one of them should exclude the others. In the first four grades, while the teaching must be incidental, it will serve to give a correct attitude toward later history.

2. The teaching of history must be closely related to instruction in other subjects of the elementary programme. This feature has been emphasized by the committee, and the dependence of history teaching upon geography, literature, and art is given due recognition. History and civics also should be presented as allied subjects, emphasis being placed now on the history and now on present civics.

3. The committee desires to reassert the belief that the subject-matter for a course in the elementary schools, and especially the last three grades, which are to-day presented for discussion, should be selected from American history. But this is not to be interpreted in a restricted sense. The pupil must be led to understand that American civilization and institutions had their beginnings under European surroundings, and that the problems of our national life, even to the close of the first quarter of the nineteenth century, were, in a large measure, closely connected with European problems.

The considerations which should guide in the presentation of the material for the sixth grade were stated in the report of last year as follows: First, a desire to emphasize geographical facts, not alone those which form a part of the history of the discoveries of the fifteenth and sixteenth centuries, but also the simpler incidents of previous geographical discoveries. Second, the desire to put the facts of emigration to America in connection with earlier movements of peoples. Third, the effort to show in a very simple way the civilizations which form the heritage of those who were to go to America; that is, to explain what America started with. Lastly, to associate the three or four peoples of Europe which were to have a share in American civilization with enough of their characteristic incidents to give the child some feeling for the names England, France, Spain,

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and Holland. The period of the discoveries should also be included in the work of this grade.

In the seventh grade should be considered the exploration and settlement of North America and growth of the colonies, with accompanying European background, through the period of the revolution. To the eighth grade would be assigned the formation and inauguration of the new Government, the industrial and political development of the United States, westward expansion, and the growth of rival European nations.

While the programme presented last year has been modified the main features are the same. It is our hope that through the discussion of to-day we may be able still further to ascertain what is desirable and what is practicable. The cooperation of the New England History Teachers' Association in this Conference will aid materially in the solution of these problems. It matters little whether we be teachers of history in elementary or secondary school, in college or university, we are each of us dependent on the work of the other.

NOTE ON THE TOPICS FOR GRADES SIX, SEVEN, AND EIGHT.

In the following list of topics all are not of equal value. Some topics may occupy a class five minutes, others the time of a whole exercise, others still longer, according to the judgment of the teacher. The minor topics are intended to indicate to the teacher the principal elements of the subject. Many of them would be covered in an ordinary text-book in a few lines.

In the list of topics submitted for the sixth grade those features of ancient and medieval life have been illustrated which explain either important elements of our civilization or which show how the movement for discovery and colonization originated. A few great incidents or typical characters of the ancient and medieval world have been added because these memories are a part of the universal heritage of mankind. It is not at all the intention to teach Greek, Roman, or Medieval history, though the topics are selected from these fields. It is natural that the topics seem to call for more time than that assigned for their treatment, because the reader recalls the richness of the material which lies all about them and feels irresistibly that somehow all these things must be included.

It should be added that these lists have been tested in regard to the time required to complete them in their respective grades. It has been found that if they are interpreted as suggested they do not offer an excessive amount of work.

SIXTH GRADE.

INTRODUCTION.

(General Topics I, II, III.)

The purpose of these introductory topics is to utilize the child's experience and knowledge in such a way as to impress upon his mind the elementary fact that Americans came originally from Europe and brought with them all that Europeans up to that time had learned—in other words, that the beginnings of

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American ways of living are to be sought far back in the story of the world. The pupil in the fifth grade can not be expected to appreciate the significance of this fact, but the impressions which he receives will turn his awakening curiosity in the right direction. It is not essential that all teachers use exactly the minor topics suggested, if they can accomplish the purpose better by means of other topics.

The second of the three general topics aims to emphasize the idea that the world which the pupil sees on his maps has changed and grown, and to lead him back to the places where the foundations of what we call civilization were laid.

After this preliminary work the child should be ready to learn something of each of the people which have contributed a part to the stock of knowledge, of skill, and of character with which the Americans started.

I.—WHERE AMERICANS CAME FROM.

1. *Newcomers.* Are there persons in the community not born in America? Make a list of the lands from which they came. Find these lands on the map. What continent contains nearly all these lands?
2. *How emigrants come.* Picture of an ocean steamship. How emigrants are admitted, for example, at New York. How they reach the places where they settle, using illustrations of local interest, if possible.
3. *Earlier Americans as emigrants.* This may be taught by taking a story from local history of the emigration of a group, for example, the Pilgrims in the Mayflower.

II.—WHEN AMERICA WAS UNKNOWN; THREE VIEWS OF THE WORLD.

1. *How the world looked when the Christian era began.* A study, with a map, showing that at that time most peoples lived about the Mediterranean, though they had names dieffrent from the names their present-day successors bear, English called "Britons," French called "Gauls," Italians called "Romans." The inhabitants of Greece were even in that time "Greeks," and many Greeks lived in cities around the eastern and southern shores of the Mediterranean.

   Add ancient notions of the shape of the world, "Ultima Thule," the "Antipodes."
2. *How the world looked just before Columbus discovered America*, using a blackboard sketch based upon reproductions of the Behaim globe, or upon Toscanelli's supposed theories. The idea of the Burning Tropics and the Sea of Darkness.

III.—WHAT AMERICANS STARTED WITH, A STUDY OF SOME ANCIENT INVENTIONS.

1. *Some recent inventions.* The teacher may by questioning make a list of the most important modern inventions, like the telephone, the telegraph, the locomotive, or the steamship. These Americans or modern Europeans have invented.
2. *Inventions made before Columbus discovered America.* Attention may be concentrated on one, like printing with movable types, or may be divided between this and the compass and gunpowder, concluding with questions about the relative value of such inventions and of the more recent inventions.

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3. *Still older inventions*, like the way to record our words, that is, through letters, or the way to build houses or ships. If the alphabet is chosen, our letters may be compared with Greek letters, with a simple explanation of Egyptian hieroglyphics or Babylonian cuneiform; if books are chosen, ancient forms of these may be explained; the same method may be pursued if houses or ships are taken; with the simple aim of showing the child that we Americans started with many things which had been invented or discovered ages before our ancestors arrived.

No peoples did more to begin the ways of living which we have, and which our forefathers brought to America, than the Greeks and the Romans who lived about the shores of the Mediterranean when the Christian era began. The aim of the topics selected from Greek and Roman history is to illustrate the characteristics of Greek and Roman life, and, at the same time, to interest the pupils in a few of the greatest memories which the Greeks and Romans have left for all mankind to cherish. Emphasis should also be laid upon their work as spreaders of civilization wherever their cities were built or their rule was extended, for it was in this way that there came to be a world.

IV.—THE GREEKS, WHY WE REMEMBER THEM.

1. *Famous stories already learned through supplementary reading.* With children who have learned these stories well it is enough to ask them which ones they remember, with the aim to recall to their minds such stories as the Golden Fleece, Hercules, Siege of Troy, Wanderings of Ulysses. It is not intended to teach the stories; such work belongs rather to English work.
2. *Famous Greek cities which still exist.* With a map point out Marseilles, Alexandria, Constantinople, and Athens. Use pictures. Tell something about each.
3. *Unforgotten memories of Greek courage.* Tell the story of Leonidas and the Three Hundred, or the story of Marathon, or the story of Salamis.

V.—HOW THE GREEKS LIVED.

1. *Athens*, the most splendid of ancient Greek cities. Show pictures of the ruined temples of Athens, giving simple explanations of the purposes which the buildings served.
2. *Study of a beautiful Greek temple.* Pictures of the Parthenon, simple explanation of its structure, its sculptures; tell where some of them may be seen.
3. *An ordinary house.* The parts of the house may be explained. Something may be said of the home life, the slaves, etc. If preferred, this time may be occupied in showing pictures of famous statues, like the Venus of Milo, the Hermes, the Thrower of the Discus.

VI.—GREEK BOYS AND GREEK MEN.

1. *The Greek boy*, training and amusements, at Athens, at Sparta, the Olympic games.
2. *Greek men*, their love of ruling themselves. The explanation may pursue the following line: The Greek city included not only a large number of houses surrounded by a wall, but also much of the countryside, as far as

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the mountains, which separated it from the neighboring city. The men, shut off from their neighbors in this way, loved to manage their own affairs. Add a description of a Greek assembly in the open air, with a Pericles or a Cleon trying to persuade the citizens to do as he wishes.

3. *The story of Socrates*, one of the greatest of the Greeks; how he questioned men about what they thought was true; story of his death.

VII.—MEN WHO CARRIED GREEK WAYS OF LIVING TO OTHER LANDS.

1. *Sailors, traders, and colonists;* a Greek ship; products sought on shores of Black Sea; why the Greeks called it "Euxine." With map show how widespread were the Greek colonies, pointing out Cyprus, Naucratis, Cyrene, Syracuse, the cities of Magna Græcia, Massilia (Marseilles), pausing to say a word about the relation of the Egyptians to the Greeks, or about Greek traders in what is now France.
2. *Alexander the Great*, stories of his boyhood, his great march to India, with brief description of the battle of Issus.
3. *Alexandria*, the greatest of the Greek cities founded by Alexander, its great museum and library, what some of its scholars were studying about—Ptolemy, for example.

The Romans were the people who received what the Greeks had learned, added to it, and carried the new knowledge to what is now France, England, Spain, and to a part of Germany, countries from which the discoveries and colonizers of America came. In this way the Romans are to be considered as among the makers of America. Their work was chiefly conquering and organizing as one world all the lands about the Mediterranean and in western Europe as far as the borders of Scotland and the German forests. The wonderful thing about them is that they began as an obscure tribe dwelling on the banks of the Tiber.

VIII.—HOW THE ROMANS BEGAN.

1. *Stories about the Romans already learned.* Recall, for example, Romulus and Remus, Horatius at the Bridge, Coriolanus. As in the case of the Greek stories, they are not to be taught, simply recalled. They are not a part of the history of Rome, being only stories the Romans told about their early days.
2. *What the Romans started with;* size of the early city and of the region over which it ruled; tell briefly the story of the secession of the Plebeians.
3. *Early struggles with warlike neighbors*, illustrated by one story, either that of Cincinnatus or that of the Caudine Forks.

No attempt should be made to explain in detail the development of the Roman power in Italy. The impression naturally conveyed by these stories is sufficient.

IX.—HOW THE ROMANS CONQUERED THE LANDS ABOUT THE MEDITERRANEAN.

1. *Rome and Carthage;* story of Hannibal, his youthful oath, his march from Spain to Italy, the passage of the Alps.
2. *Death struggle with Hannibal;* description of one battle, either that of the Lake Trasimenus or of Cannæ, showing how skillful in strategy was Hannibal. Add that the Romans finally defeated Hannibal in Africa. He died in exile.
3. *The Romans and the Greeks of Alexander's Empire.* Here, as in the case of Italy, there should be no attempt systematically to describe the conquest of the eastern Mediterranean. One striking incident, like the battle of

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Cynocephalæ, with a map study showing the lands the Romans conquered—Asia Minor, Syria (with Jerusalem), and Egypt—is sufficient. In the battle story a Roman legion should be compared with the Macedonian phalanx, and it should be explained how the legion formation was successful.

X.—THE ROMAN IN THE WEST.

1. *Their greatest general, Julius Cæsar, and the Gauls, ancestors of the French.* After the pupils have located Gaul on the map, illustrate simply with the story of Vercingetorix and the siege of Alesia.

   No attempt should be made to mention the names of the Gallic tribes or to relate more than the simple incident of Vercingetorix.
2. *Cæsar and the Germans;* simple story of the Ariovistus incident; how the Romans were frightened by the immense size of the Germans; how Cæsar's camp followers wanted to return to Italy. The bridge Cæsar built over the Rhine; its purpose; why Ariovistus had crossed into Gaul.
3. *Cæsar and the Britons;* why Cæsar wanted to invade Britain; the Druids; how he crossed the Channel; his landing; why he did not subdue the Britons.

   These are the simple elements of the story, which is brief. With the other two, it will serve to teach the lesson of the Roman relation to western Europe.

XI.—ROME, THE IMPERIAL CITY.

1. *Why the Romans came to be ruled by Emperors.* At first they governed themselves, as did the Greeks, by assemblies of the people; afterwards leading politicians tried to win these voters by giving great gladiatorial shows or by reducing the price of bread; politicians also sometimes gathered followers and fought for control of the city. Cæsar was also a politician, and in a quarrel with his rivals he led his army to Rome and became its master, founding the Empire. His successors were called emperors.

   This story should follow these simple lines, and should not occupy more than the time of a single exercise. No attempt should be made to explain the titles of officials or the names of assemblies; general descriptive words are sufficient.
2. *How Rome looked.* Pictures of the Forum, a Roman Arch of Triumph, the Colosseum, a Roman aqueduct, a Roman road, with a few words of explanation in each case.
3. *Roman books.* How the Roman boy was taught; a famous book, the Æneid of Virgil, with a little of its story.

XII.—ROME AND CHRISTIANITY.

1. *At this point* it is well to connect the Empire with Christianity by pointing out that Jesus was born when all the Mediterranean world was at peace under Roman rule. Judea was a Roman province, and at the time of the death of Jesus, Pontius Pilate was the Roman governor. Paul was born in a town in which all men were regarded as Roman citizens, a privilege which enabled him to appeal for a special trial at Rome.

   It is not expected that the story of Jesus will be told.
2. *Roman emperors treat the early Christians as public enemies;* the Christians persecuted for not uniting in the imperial religion and for forming an almost secret organization; story of Nero's persecution; pictures of the Catacombs.

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3. *The Roman Empire is called Christian;* the Emperor, Constantine, adopts Christianity as the religion of the Empire; story of the "Sign of the Cross;" the Church in his day managed by bishops in the cities, archbishops over several cities, with a "pope" at Rome, a "patriarch" at Constantinople, another "patriarch" at Alexandria.

This should be limited to a statement of the fact, accompanied by answers to such questions as the pupils are prompted to ask. Controversial matters should be avoided.

Western Europe.

In topics XIII to XIV the pupil will learn more of the peoples which were to have a direct share in the making of America. These peoples were taught by the Romans, though they did not preserve all that they had seen or been told.

The pupils should learn of the typical characters of the Middle Ages and something of the modes of life. At the close of the group are a few topics which have an immediate relation to the discoveries and form a necessary introduction to them.

XIII.—THE GERMANS.

1. *Names of German tribes* which reappear in modern names, Angles, Saxons, Franks. Simple descriptions of German life, why many emigrated to Roman cities, and how they were employed.
2. *German invaders;* story of Hengist and Horsa; story of Clovis.
3. *Famous stories* which illustrate traits of the Germans or which grew up about the incidents of the invasions; recall the Nibelung tales, or the tales of King Arthur.

If the pupils do not know them, one from either group may be selected for telling.

XIV.—HOW THE GERMANS CAME TO RULE OVER THE WEST—CHARLEMAGNE.

1. *As King of the Franks,* a German tribe which had conquered Roman Gaul; impressions from Einhard of his appearance, manner of living, and interests; his efforts to make Saxon boys love knowledge.
2. *How Romanized Germans extend their ways of living into the older Germany.* Story of Boniface and his preaching, the "Oak of Geismar;" Charlemagne converts the Saxons, compelling them to be baptized as Christians.

This may be taken as a type of the German movement of colonization which later extended beyond the Elbe, and may be compared with the movement of Americans westward across the plains.

3. *Charlemagne crowned Emperor at Rome, Christmas, 800.* Simple description of the incident, with the explanation that his Empire was not as large as the older Roman Empire, but included only France, part of Germany, and Italy, with a small part of Spain.

XV.—ALFRED AND THE ENGLISH.

1. *The English of Alfred's day,* explaining in a simple manner that the German tribes, of which the followers of Hengist and Horsa were part, had conquered the island to the borders of Wales and Scotland, and that they had finally come under the rule of a single king. Story of St. Augustine of Canterbury. The new settlers in turn were attacked by the Danes or Northmen. Description of the Vikings and their ships.

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2. *Alfred and the Danes.* Stories of the hardships of King Alfred in his struggle with the Danes; from his victory came as a result the union of the Danes and English as one people.
3. *Alfred, as King,* helps in the spread of good books, just laws. In treating Alfred, as in the case of Charlemagne, his personality should be kept in the foreground.

XVI.—HOW THE ENGLISH BEGAN TO WIN THEIR LIBERTIES.

1. *A wicked King, John Lackland.* A simple explanation that a great Lord from northern France, of the race of the Danes or Northmen, Duke William, of Normandy, had conquered the English. His descendants called the Norman kings. One of them, Richard, was a famous crusader (to be explained later). Richard's brother John was the most wicked King England ever had. Explanation of how he tried to supplant his brother during his brother's absence; of how he married the betrothed of one of his own followers; how he compelled the barons to arm as if for war and refused to allow them to return home until they had paid large sums of money; how he robbed the churches.
2. *The Great Charter.* The barons at Runnymede compel the wicked King to promise to give up all his evil practices; they agree to make war upon him if he breaks these promises. Mention the two most important promises—that he will collect no more money than is due him as King, unless his followers in council consent, that he will no longer imprison men without trying them and proving them guilty of breaking the laws.
3. *The Charter strengthened.* John's son was a weak man and the barons made war upon him to compel him to keep the promise of the charter. His grandson Edward I, was a strong and just King. Though he liked to do as he pleased, he agreed to keep the charter or promise that no taxes should be collected without the consent of the council. By this time the council consisted not only of great barons and bishops, but also of men sent by the towns to represent them. This was the beginning of the English Parliament—the House of Lords and the House of Commons.

   Only the simple elements of this growth of the English constitution should be touched, whether the line of thought suggested above is followed or some other is chosen.

XVII.—HOW PEOPLE LIVED IN ENGLAND AND IN EUROPE DURING THE MIDDLE AGES.

1. *The towns.* Pictures of a walled town, like York, Chester, or Oxford, or Carcassonne in France, or Nuremberg in Germany. The industries, how the artisans were organized. The town hall or guildhall, like those of Bruges or Paris or London.
2. *The Village Life.* How the village land was divided, farming, tools, work in common.
3. *The nobles.* A castle, with pictures; education of the boy for the life of chivalry, a tournament.

XVIII.—THE CHURCH IN THE MIDDLE AGES—PICTURES OF GREAT CATHEDRALS.

1. *Cathedrals.* Canterbury, Notre Dame, Cologne. How a Roman temple, like the Pantheon, was changed into a church. Explanation of the different parts of the church buildings. Some of the curious figures on the outer walls.

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2. *A monastery*, with pictures of ruined monasteries in England or on the Continent. How the monks were organized; their occupations, especially the copying of books, with pictures of the way they illuminated books.
3. *Medieval pilgrims;* especially journeys of pilgrims to Jerusalem to the shrine of the Holy Sepulcher. The Turks who had conquered Syria and how they troubled the pilgrims.

XIX.—THE CRUSADES.

1. *The First Crusade.* Pope Urban's appeal to rescue the Holy Sepulcher; how people pinned crosses on the garments; story of Peter the Hermit.
2. *The capture of Jerusalem;* condition of the crusaders when they reached the Holy City; their cruelty to its defenders; story of Godfrey and the crown of the new kingdom of Jerusalem.
3. *Richard the Lionhearted*, the typical crusader; tales of his exploits in Palestine and of his adventurous journey homewards.

XX.—RESULTS OF THE CRUSADES—GROWTH OF TRADE AND LOVE OF TRAVEL.

1. *Venice.* Pictures of the city; a Venetian ship; stuffs which the Venetians sought in the East.
2. *Other trading cities, briefly described.* Genoa, because it was the birthplace of Columbus; London, the city from which the impulse to English settlement went out.
3. *What the Europeans learned* in the East or through contact with the Moors in Spain; Arabic system of notation, algebra, use of windmills, taste for spiced foods, beautiful decorations for houses.

THE DISCOVERY OF THE WESTERN WORLD.

As this ground is familiar, it is unnecessary to do more than give the topics in the briefest form in order to indicate the line of thought.

XXI.—BEGINNING OF DISCOVERY.

1. *Voyages of the Northmen;* the Northmen in Iceland; Leif the Lucky, why his discovery of America was without important consequences.
2. *Marco Polo;* his journey to the Mongol court and the route which he followed on his return; the knowledge of the Pacific which he brought back of greater importance than the work of the Northmen.
3. *Portuguese voyages*, the first great accomplishments in discovery; Prince Henry the Navigator, impressions in regard to the shape of Africa; discouragement when voyages showed that the coast turned southward again after the Gulf of Guinea; story of the wonderful voyage of Diaz.

   Whether the teacher shall do more than mention Prince Henry depends upon circumstances. It is to be observed that a few words are all that elementary text-books give to what is contained in this topic No. 3. It can be expanded or contracted as the judgment of the teacher directs.

XXII.—COLUMBUS.

1. *His early life:* Queen Isabella and her interest in his project; an incident from the story of the Cid might be used to interest the pupils in the Spaniards and in their long crusade against the Moors, a crusade which gave to their voyages of discovery and settlement some of the old crusading purpose.
2. *The first voyage;* the ships; troubles with the sailors; the discovery; the return to Spain.
3. *Later voyages;* what coasts were explored; Columbus's notions of what he had discovered.

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XXIII.—THE SUCCESSORS OF COLUMBUS.

1. *How America came to be named* for Amerigo Vespucci rather than for Columbus.
2. *John Cabot* and his discoveries.
3. *The Portuguese Vasco da Gama*, the first to reach the Indies which Columbus was looking for.

XXIV.—OTHER SUCCESSORS OF COLUMBUS.

1. *How Balboa* found the South Sea.
2. *The story of Magellan's voyage.*
3. *Cartier* in the St. Lawrence; where he came from; his hopes; the St. Lawrence as a route to the center of the continent; failure to make a permanent settlement.

XXV.—BEGINNING OF CONQUEST.

1. *In Mexico;* story of Cortez briefly told, with a description of the expedition of Coronado into what is now the western part of the United States.
2. *Story of De Soto.*
3. *How the Spanish used their conquests;* the search for gold and silver; what a mission was, with pictures from California; slaves brought in from the African coast.

At the close of the first period of discoveries and conquest the Spaniards seemed to have distanced their rivals. They had laid the foundations of profitable colonies, and by their explorations could argue a superior claim to North as well as to most of South America. How they lost this advantage, so that the French, the Dutch, and the English colonized the best portions of North America remains to be explained. The pupil of this grade can not grasp the whole situation, but by stories of the Old World and of the voyagers to the New World he can be impressed that before the century was over the rivals of Spain were more than a match for her, and, when the next century began, were able boldly to ignore her inflated claims and plant colonies along the Atlantic shores, in the Hudson Valley, and on the banks of the St. Lawrence. Again it must be repeated that no effort should be made to tell the story of Europe in the sixteenth century. Just enough should be told to give meaning to the terms England, France, Holland, and Spain, and to convey the impression that the Spaniards lost their great advantage.

XXVI.—ENGLAND IN THE DAYS OF ELIZABETH.

1. *Stories of "Good Queen Bess."* Her love of finery. The politeness of Sir Walter Raleigh. Elizabethan houses, with pictures.
2. *English seamen and the King of the Spaniards;* through the story of Sir Francis Drake, his experience as a slave trader, as a plunderer of Spanish colonial towns, and through his great voyage round the world, illustrate the growing hatred between the English and the Spaniards.
3. *Another reason for hatred between Englishmen and Spaniards;* the English had adopted many of the religious views of the German, Martin Luther, or the Frenchman, John Calvin, and no longer were Catholics, obedient to the Pope, while the Spaniards were earnest defenders of the Catholic religion. In those days differences in religion were causes of wars. This was one reason why the English sailors saw no harm in plundering Spanish towns in America.

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XXVII.—FRANCE, ANOTHER RIVAL OF SPAIN.

1. *The story of Bayard*, the knight without fear and without reproach, the hero of the fight of the French King, Francis I, Jacques Cartier's king, against the King of Spain.
2. *The French and the Spaniards in a conflict in America.* Admiral Coligny, a great French nobleman, leader of the French Protestants or Huguenots, seeks to find a refuge for them in America. His first efforts.
3. *The fate of Fort Caroline;* attack of the Spaniard Menendez.

XXVIII.—THE KING OF SPAIN ATTACKED BY HIS SUBJECTS, THE DUTCH.

1. *The Dutch;* description of their country; their fight against the sea; their sturdy mariners.
2. *Their quarrel with the King of Spain;* punishments inflicted upon those who became Protestants; cruelties of the Duke of Alva to the southern Netherlanders, now the Belgians, who remained Catholics, as well as to the Dutch.
3. *The revolt of the Dutch;* story of the "beggars." One or two stories of William the Silent, to illustrate the struggle for independence.

XXIX.—ENGLISHMEN JOIN IN THE FIGHT AGAINST SPAIN.

1. *English and Dutch;* story of Sir Philip Sidney.
2. *War between England and Spain;* preparations of King Philip to invade England; Drake singes the King's beard.
3. *Story of the Great Armada and its ruin.*

XXX.—ENGLISH VOYAGERS WESTWARD.

1. *Story of Gilbert.*
2. *Story of Raleigh's first colony.*
3. *Raleigh's second attempt;* why it failed and what he had accomplished.

At the close there should be a geographical review of the lands, bodies of water, etc., made known by the voyagers, connecting each great feature with the man who discovered it, and emphasizing the way the early mistakes about America were gradually removed by later voyagers. The pupils should also understand what countries held these lands, or, at least, claims to them at the end of the century.

SEVENTH GRADE.

The subject is the exploration and settlement of North America and the growth of the colonies until the close of the French and Indian war. Enough of the European background is included to make plain events in America which had their causes in England or Europe. A few great European figures, which belong to world history, are also introduced.

THE FIRST SETTLEMENT OF THE THREE RIVALS OF SPAIN.

I.—NORTH AMERICA, GEOGRAPHICAL CONDITIONS.

1. *In the sixteenth century*, the Spaniards had settled in Mexico, the English had attempted to settle on the Atlantic coast, the French had attempted to settle on the St. Lawrence. In which region were the climate, natural resources, and the general situation most advantageous for a new settlement?

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2. *Difficulty of reaching the rich Mississippi Valley across the mountains.* The approach by the Mohawk; the approach by the upper Potomac to the Ohio; by Cumberland Gap.
3. *The approach by the Great Lakes;* the approach from Mexico overland or by using the Gulf of Mexico and the Mississippi River.

This should be treated very simply, with the aim of attracting the attention of the pupil at the outset to geographical conditions. It is not necessary to adopt the particular line of thought suggested, if in some better way the end can be reached.

II.—GETTING TO THE COLONIES.

1. *Ships of the time.* The sufferings of sailors and passengers on the voyage.
2. *What a colonizing company,* like the English, London, or Plymouth companies, was. Why men bought shares in such companies.
3. *The way emigrants arranged with the companies to go to the new colonies.*

III.—THE FIRST ENGLISH SETTLEMENT.

1. *What land the London Company controlled;* the first settlers sent out; why they went; hardships of the voyage and at Jamestown; Captain John Smith.
2. *Occupations of the early settlers;* their relations with the Indians; the first negro slaves; indentured servants.
3. *How the settlers began in 1619* to have an assembly of representatives.

In treating these topics, the pupil's attention should be directed mainly to the actual life of the early settlers. These primitive conditions and the ways adopted in order to begin living in the wilderness are especially interesting to children. They will not be much stirred by the fact of the Virginia assembly; that they understand its significance fully need not be insisted on.

IV.—THE ARRIVAL OF THE DUTCH.

1. *Henry Hudson;* aim of his voyage; why the Dutch wanted a more direct route to the Spice Islands; the discovery of "Hudson River."
2. *Manhattan Island* a Dutch trading post; relations with the Indians; trading post at Albany; advantages of situation at Albany in relation to Mohawk Valley route and Lake Champlain route.
3. *The attempt to attract settlers to the Hudson River Valley;* the patroons.

V.—THE FIRST FRENCH SETTLERS.

1. *Settlements at Quebec and Montreal;* houses and fortifications; occupations of the settlers compared with those of the Virginia settlers.
2. *Champlain;* his journeys and explorations; his expedition against the Iroquois and its consequences.
3. *The feud between the Iroquois and the Algonquins;* the sufferings of the Jesuit missionaries.

Exiles for Political or Religious Causes.

The topics under this general subject touch the local history of several of the Atlantic States. It would be advisable for the schools of these States to give a more extended attention to the beginnings of colonial life within their own borders. This may be done by adding other topics at the points where these colonial beginnings should be treated, or by treating in greater detail those suggested here. Such a study of local history will add interest.

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VI.—THE FIRST EXILES FOR CONSCIENCE'S SAKE—THE PILGRIMS.

1. *Why they left their English home for Holland.*
   This should include a simple explanation that Queen Elizabeth and King James thought it the duty of every good Englishman to attend the religious services ordered by law, while the Pilgrims believed that Government should not meddle in these matters. They also thought that the ordinary services of the English Church resembled the Catholic services, and disliked them on this account.
2. *The voyage to New England;* how the Pilgrims arranged to be sent out; story of the voyage and the landing.
3. *Early years of Plymouth Colony;* the hardships of the first year; occupations; relations with the Indians; Miles Standish and Massasoit.

VII.—THE PURITANS PLAN TO EMIGRATE.

1. *King Charles and his Parliament;* the political reason; the quarrel about taxes.
   A simple explanation of the principal points in the dispute along such lines as this: Nowadays people decide through their Congressmen or representatives what taxes they shall pay and how the money shall be spent. Englishmen in King Charles's day thought he had no right to collect taxes without the consent of their representatives in Parliament. In a document called the Petition of Right they asked him to agree to do this no more. He consented, but afterwards quarreled with Parliament, dismissed or dissolved it, and meant never to summon another. This naturally caused many men to fear that he would become a tyrant and take away much of their property.
2. *Who were Puritans?* In what did they resemble the Pilgrims? Their dislike of ceremonies which were similar to those in the Catholic Church; in what they differed from the Pilgrims; they did not wish to withdraw from the Church, but to have its services conducted as they thought these should be conducted; their manners and customs.
3. *The Puritans,* with these motives for leaving the country, formed the Massachusetts Bay Company and planned to emigrate, taking the charter of their company with them.

VIII.—THE GREAT EMIGRATION.

1. *Settlement of Boston;* describing the voyage; the sites chosen for settlement; early growth of the colony; its occupation.
2. *How the Puritans governed* themselves—in churches much like those of the Pilgrims; their town meetings and their General Court.
3. *Emigration from Massachusetts to Connecticut;* the journey through the woods; Thomas Hooker and the settlements about Hartford; settlement of New Haven.

IX.—OTHER EXILES.

1. *Roger Williams;* his troubles in Massachusetts; his settlement at Providence; his relations with the Indians.
2. *Lord Baltimore* and the founding of Maryland; how without the aid of a company he procured a grant of land and rights of settlement; arrangement he made with his emigrants.
3. *Reasons English Catholics had* for desiring to emigrate; the harsh laws forbidding their worship; Lord Baltimore founds Maryland especially for them, but allows Protestants also to settle there.

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X.—PURITAN AND CAVALIER IN ENGLAND.

1. *John Hampden and the ship money.*
2. *War between King and Parliament*, treated with the career of Cromwell as the center of interest, with such minor topics as the "Ironsides," Cromwell at Marston Moor or at Naseby.
3. *Triumph of Parliament;* execution of the King; brief statement about rule of Cromwell; the Restoration; the Regicide Judges in New England.

These topics should be treated simply with no attempt at comprehensive description or explanation.

XI.—RELIGIOUS WARS IN EUROPE.

1. *Gustavus Adolphus and the Thirty Years' War.* This should keep the interest centered on Gustavus, but should include a simple explanation how the quarrel between the Catholics and Protestants of Bohemia and Germany resulted in civil war, and that Gustavus entered Germany to help the Protestants, and at the same time to strengthen the influence of Sweden and gain new territory for her. Emphasis may be placed upon the Swedish army, and upon Gustavus's generalship.
2. *Stories of Wallenstein or of Richelieu.* Of Wallenstein—this may include the battle of Lutzen between Gustavus and Wallenstein; the death of Wallenstein. Of Richelieu—his position as chief adviser of the French King should be explained simply, and this followed by the story of the Day of Dupes or of the Conspiracy of Cinq Mars.
3. *Huguenot Exiles.* Who the Huguenots were (recall Coligny); where they were allowed to worship; King Louis XIV revokes the edict granting them these privileges; the exiles to Germany, England, and America.

XII.—NEW EXILES FROM ENGLAND.

1. *Laws in England* which made worship other than that of the State Church difficult; the Five Mile Act, the Conventicle Act; imprisonment of Bunyan, an illustration.
2. *William Penn;* his aim in purchasing the Jerseys; obtains the charter for Pennsylvania; the English Quakers.
3. *Settlement of Pennsylvania;* relation with the Indians; religious liberty; Philadelphia.

COLONIAL RIVALRIES.

XIII.—EARLY CONFLICTS.

1. *In the West Indies;* the Buccaneers, settlement of English, French, and Dutch within region claimed by Spain. West Indian plantations compared with Virginia plantations.
2. *Peter Stuyvesant and life at New Amsterdam;* relation with the English, the Navigation Laws.
3. *War between England and Holland.* Stories of Blake and Van Tromp. New Amsterdam becomes New York.

XIV.—FRENCH IN THE MISSISSIPPI VALLEY.

1. *Story of Marquette.* Recall earlier work of Champlain.
2. *LaSalle's Journeys, conflicts, and death.*
3. *Chief French Settlements in the West;* Detroit, Vincennes, Kaskaskia, New Orleans.

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XI.—GROWTH OF THE ENGLISH COLONIES.

1. *The New England Confederacy;* King Philip's War.
2. *Virginia;* troubles with the Indians, discontent with the governors, Bacon's rebellion.
3. *Expansion of the English colonies southward and westward;* founding of the Carolinas and of Georgia.

STRUGGLE FOR COLONIAL EMPIRE BETWEEN ENGLAND AND FRANCE.

XVI.—THE DUTCH AND ENGLISH UNITE AGAINST FRANCE.

1. *Louis XIV;* splendors of his court life at Versailles; his jealousy of the Dutch, the greatest traders of the day; description of Amsterdam. The Dutch Republic.
2. *War between France and Holland.* Louis almost at the gates of Amsterdam, the dikes opened drive back the French army; sympathy of the English for the Dutch; marriage of Prince William and the Princess Mary.
3. *Revolution of 1688 in England.* King James attempts to act like his father, Charles I, and his crown is given to his daughter and her husband, Prince William. Bill of Rights. Illustrate new tyranny of the Stuarts by the story of Sir Edmund Andros and the charters. England and Holland unite in the war against France.

XVII.—THE COLONIES AT WAR.

1. *Border warfare* in William's and Anne's reigns, part of the war in Europe.
2. *The Duke of Marlborough* and the war in Europe, with an account of the battle of Blenheim.
3. *Results of the war.* French cede Arcadia. France impoverished, though the grandson of the French King becomes King of Spain.

These three minor topics may be covered in one exercise, as not of great importance.

XVIII.—BEGINNING OF THE FINAL STRUGGLE.

1. *England and France take opposite sides in the struggle between Frederick II, of Prussia, and Maria Theresa, of Austria, over Silesia.* Simple explanation of what Prussia and Austria were at the time, with the story of Frederick's boyhood, and the story of Maria Theresa's appeal to her nobles for aid and the response.
2. *Dupleix and Clive in India.* Situation of the English and French East Indian companies at Madras and Pondicherry, success of Dupleix in controlling the native princes, utilizing the superiority of the European trained soldiers over the untrained masses of natives. Clive and the defense of Arcot.
3. *American incidents of this conflict,* King George's War, briefly mentioned.

XIX.—CAUSES OF CONFLICT IN AMERICA.

1. *The Virginians and the French* clash in the Ohio Valley, Albany Congress.
2. *The Braddock Expedition.*
3. *Montcalm and Wolfe.*

The elements of these events are so familiar that the headings only are given here.

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XX.—CLOSE OF THE WAR.

1. *The Seven Years' War in Europe.* This should be explained briefly as the counterpart of the struggle in America and India. France was now the ally of Austria and England of Frederick the Great. It should be explained that France could have defended her colonies more successfully had she not meddled in the conflict between Maria Theresa and Frederick. A description of Frederick's victory at Rossbach may be given to leave an impression of his genius as a general.
2. *Terms of peace for America;* incidentally for India.
3. *The new colonial Empire of England.* How England began to govern the French in Canada. Impression this policy made in the English colonies.

From Colonies to Commonwealths.

XXI.—THE COUNTRY ACROSS THE ALLEGHANIES.

1. *The policy of English Government in regard to these lands.* Surveying and settling in Western Pennsylvania and on the Ohio.
2. *Early explorations and attempts at settlement in Kentucky and Tennessee.*
3. *The settlers on the Southern border and the Indians.*

XXII.—SOCIAL LIFE, INDUSTRY, AND TRADE IN THE COLONIES.

1. *Occupations;* the Northern farmer, the Southern plantation, Colonial seamen.
2. *Social conditions;* slavery in the South, other forms of service in the Colonies, social customs North and South.
3. *Comparison of conditions elsewhere;* an English or French colony in the West Indies; a Spanish colony; condition of the common people in England and Europe.

XXIII.—GOVERNMENT IN THE COLONIES.

1. *The Crown and the people;* what the colonial governor did, the rights of representative assemblies, the towns, parishes, or counties.
2. *Kinds of colonial governments;* difference between Connecticut and Massachusetts; differences between New York and Pennsylvania.
3. *Comparison with other European colonies;* with the French West Indies; with the Spanish-American colonies.

XXIV.—GRIEVANCES OF THE COLONIES; CAUSES OF THE REVOLUTION.

1. *Before the Stamp Act;* operation of the Navigation Acts, the Sugar Act, relative amount of taxation determined by parliamentary acts. English and American views of what representation meant.
2. *Resistance to new taxes;* the Stamp Act; its repeal, with the attempt to enforce the principles by the Townsend revenue acts, Samuel Adams and Patrick Henry, Whig defenders of the American cause; Pitt and Burke; George III and his friends.
3. *Beginning of violent resistance;* interference with the landing or sale of taxed tea; retaliation by Parliament; committees of correspondence; First Continental Congress.

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XXV.—OPENING OF THE REVOLUTIONARY WAR.

1. *The first fighting;* Lexington, Bunker Hill; make-up of the English and Colonial armies.
2. *Independence;* how the colonies received the news from Massachusetts; how it was received by parties in England; sentiment in America for and against independence; signing the Declaration.
3. *Organization of the colonies* into States and of the States into the Confederation; how the States were formed; the Committees of Safety; Congress.

XXVI.—PERIOD OF DIFFICULTY.

1. *Struggle about New York;* loss of New York; retreat through the Jerseys; recovery at Trenton and Princeton.
2. *Burgoyne's Expedition;* aim, causes of failure, effects of struggle.
3. *Loss of Philadelphia;* Brandywine and Germantown, Valley Forge; plots against Washington.

XXVII.—STRUGGLE WEST OF ALLEGHANIES.

1. *The Northwest;* attitude of French; attitude of Indians.
2. *Story of George Rogers Clark,* and the results of his work.

XXVIII.—THE FRENCH ALLIANCE.

1. *Reasons for it;* the ancient grudge against England of men like La Fayette; Franklin's influence; time chosen for intervention.
2. *The first consequences;* retreat of British from Philadelphia; English on the defensive in West Indies; John Paul Jones.
3. *Increasing difficulties of the English;* Spain joins the Alliance; the Armed Neutrality; English and Dutch at war.

XXIX.—WAR IN THE SOUTH, A NEW PERIOD OF DIFFICULTY.

1. *Losses in South;* capture of Savannah and Charleston; defeat of Gates.
2. *Treason of Arnold;* Arnold's services and disappointments; plans to betray West Point; discovery of plot and fate of Andre.
3. *Recovery in the South;* King's Mountain and Cowpens; Greene and Cornwallis.

XXX.—CLOSE OF WAR.

1. *Yorktown campaign;* why Cornwallis was at Yorktown; Washington's plan and the help of the French; the surrender.
2. *Why the war went on;* England's desire to gain favorable terms in the struggle with France; effect of Rodney's victory in the West Indies.
3. *Peace; boundary questions;* terms obtained by the American envoys; fate of the Loyalists.

EIGHTH GRADE.

I.—THE NEW REPUBLIC.

1. *Weakness of the Government under the Articles of Confederation;* powers which our present National Government holds which the new Government did not possess.
2. *Distress in the Republic;* troubles in Massachusetts and their causes; paper money; trade disputes.

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2. *The Northwest;* land claims of the different States; danger to the Union from this dispute; the Ordinance of 1787, and the beginnings of settlement in the Northwest.

II.—THE NEW CONSTITUTION.

1. *The Convention of 1787;* occasion of its meeting; its leaders; the way they worked in agreeing about the Constitution.
2. *Powers granted to the National Government,* especially for the levy of taxes, and for the enforcement of law.
3. *Powers taken from the States;* levy of import and export duties; emission of paper money or coinage of money; entering into agreements with other States or with foreign countries.

III.—THE NEW GOVERNMENT.

1. *Adoption of the Constitution;* a typical contest; Massachusetts, New York, or Virginia; case of Rhode Island and of North Carolina.
2. *Organization of the new Government;* the elections; choice of Washington; first inauguration; first cabinet.
3. *Washington's administration;* manners and customs in the new Republic; the Whisky Insurrection and its causes; the question of the Mississippi.

IV.—ENGLAND AFTER THE REVOLUTION.

1. *Attitude toward the new Republic;* troubles about the western posts; the case of the Loyalists; American trade with Great Britain; England and the English West Indies.
2. *English colonies;* Canada after the war; incoming of Loyalists; reorganization of the colony; settlement of Australia.
3. *Industrial changes;* spinning jenny and power loom; beginnings of factories; changes in system of holding land and in farming.

V.—REVOLUTION IN FRANCE.

1. *Grievances of the French people;* how the common people, especially the peasants, paid most of the taxes; how they also paid a part of their crops and other dues to the nobles; how the nobles alone had the right to fish and to hunt, and how the hunting parties or the game often ruined the crops of the peasants.
2. *The King conquered by his people;* Louis XVI calls a great assembly, the States General, of clergy, nobles, and commoners; how in the struggle of the clergy and the nobles to keep the commoners from having too much influence in the decision of questions the King sides with the clergy and nobles; in the ensuing quarrel the people of Paris capture a royal fortress and prison, the Bastille, on July 14 (the present national holiday); how the States General become the National Assembly, passes many useful laws, making taxes equal and removing burdens from the peasants.
3. *Overthrow of the King;* the King, a prisoner in his palace at Paris, tries to escape to the frontier, is brought back; violent men gain the upper hand in France, depose the King, and cause his execution; at war with other countries, Austria, Prussia, Spain, and England, fearing to be attacked by them or believing French rights violated by them.

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VI.—EUROPEAN WARS AND AMERICAN INTERESTS.

1. *How the war affected America;* American sympathies; the conduct of Genet and other French ministers.
2. *Neutral commerce;* England's policy; the Jay treaty.
3. *Troubles during Adams's administration;* fighting with French ships; preparations for war; alien and sedition laws.

VII.—ADVENT OF JEFFERSON.

1. *The election of 1800 and its consequences;* contest between Burr and Jefferson; change in method of electing Presidents; Jefferson's policy of Democratic simplicity and economy.
2. *Purchase of Louisiana;* history of the control of Louisiana; how Bonaparte came to sell the territory; story of the purchase.
3. *Opening the new territory;* Lewis and Clark expedition; explorations of Pike; western fur trade.

VIII.—NEW WARS IN EUROPE AND THEIR CONSEQUENCES TO AMERICA.

1. *Story of Napoleon Bonaparte;* the young Corsican at French military schools; the "Little Corporal" and his soldiers; his victories make him the idol of the French people and they give him the imperial crown.
2. *His great war with England;* gathers an army to invade England; battle of Trafalgar; attempts to keep neutrals like the United States from trading with England; the English retaliate.
3. *How America was affected;* effect on American shipping; grievance about impressment of seamen; the embargo of 1807; the Nonintercourse Act.

IX.—THE WAR OF 1812.

1. *Its causes;* refusal of the British to make concession, until too late, in the dispute about rights of American seamen and commerce; war spirit in America; affair of the *President* and the *Little Belt;* an untimely struggle for the British, because they had long been fighting against Napoleon, especially in Spain.
2. *The struggle about Lake Erie;* attitude of the Indians; Tecumseh; surrender of Detroit; Perry's victory on Lake Erie.
3. *Victories of the Constitution;* their real meaning; significance of the blockade of the coast.

X.—CONCLUSION OF THE WAR.

1. *The war unpopular in New England;* reasons for this campaign on northern frontier; capture of Washington.
2. *Peace of Ghent;* defeat and abdication of Napoleon frees the hands of the British, but both parties weary of the war; the terms of peace silent on the causes of war; battle of New Orleans after peace was made.
3. *End of the great European wars;* Napoleon's return from exile at Elba; his defeat at Waterloo; his exile at St. Helena.

XI.—REVOLT OF THE SPANISH COLONIES.

1. *Spanish America;* divisions of the Spanish colonial possessions; grievances of the colonists; compare these grievances with the grievances of the English colonists before the Revolution.
2. *The revolt;* King Ferdinand of Spain refuses the demands of the colonists; new revolt and its leaders; story of Bolivar or of San Martin.

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3. *The new republics and the United States;* recognition of the independence of the new Spanish-American republics by the United States; purchase of Florida; Spain and her allies prepare to intervene to restore Spanish authority; attitude of England; Monroe's annual message; the "Monroe Doctrine."

XII.—THE INDUSTRIAL REVOLUTION IN AMERICA.

1. *Cotton gin;* effect of this invention upon southern industry and the slavery question.
2. *Factories;* Samuel Slater and the adoption of English inventions; Francis C. Lowell; effect of the war on the transfer of capital from shipping to manufacturing.
3. *Steamboats;* early attempts; Fulton's work; the first steamboat lines.

XIII.—WESTERN EMIGRATION.

1. *The new homes;* States and Territories organzied beyond the Alleghenies by 1815; western roads; old Indian trails; the Cumberland road; the national turnpike; canals—the Erie, the Pennsylvania.
2. *The settlers;* motives which influenced European emigration after 1815; emigration from the older States; increase of population in the trans-Allegheny region between 1815 and 1830.
3. *Life of the settler;* his first tasks; the crops which he raised; beginnings of self-government.

XIV.—SOCIAL CONDITIONS ABOUT 1820.

1. *Free and slave labor;* industrial reasons for retention of slave labor; region where slaves were still held; the international slave trade prohibited since 1808 by United States and Great Britain.
2. *Missouri Compromise;* the question of slavery in the territory gained by the Louisiana purchase; bargain made for the admission of Missouri.
3. *Comparison between life in a northern factory town and on a southern plantation;* beginnings of larger cities, with nearest large city as an illustration.

XV.—POLITICS FROM 1824 TO 1832.

1. *The election of 1824;* the candidates, why the election was finally completed in the House of Representatives; ill feeling of Jackson's friends over the result.
2. *Internal improvements and the tariff;* the question of the duty of Government to help in improving means of transportation; should the Government also "foster home industry?" the tariff of 1828 and the attitude toward it of Calhoun and other southerners.
3. *"Reign" of Jackson;* his success with the voters, "to the victors belong the spoils;" nullification and the Webster-Hayne debate.

XVI.—THREE GREAT QUESTIONS.

1. *New method of electing a President;* new parties, especially the Whigs; the first national convention; the election of 1832.
2. *Banking troubles;* the United States Bank and Jackson's war upon it; "wild-cat" banks; the panic of 1837.
3. *The antislavery movement;* slavery abolished by purchase in the British dominions in 1834; the early abolitionists in the United States, William Lloyd Garrison; struggle in Congress over petitions.

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XVII.—OUR NEIGHBORS.

1. *Texas, part of the Republic of Mexico;* early emigrants from the United States; Sam Houston; revolt of Texas; movement for its annexation to the United States.
2. *The Oregon question;* early settlers and traders on the northwest coast; joint occupation by England and the United States; final settlement of question.
3. *Canada;* Canadian insurrection of 1837 and its causes; the Canadians permitted to govern themselves through responsible ministries; permanence of French influences; expansion of English settlements.

XVIII.—WAR WITH MEXICO.

1. *Annexation of Texas;* attitude of northerners and of southerners; manner in which annexation was effected; quarrel with Mexico over the boundary.
2. *The war;* the United States the aggressor; General Taylor's campaign; General Scott's march on the City of Mexico; Frémont crosses the mountains into California.
3. *Results;* annexation of territory by treaty of Guadalupe-Hidalgo; description of this territory.

XIX.—CALIFORNIA, SOME OF THE CONSEQUENCES OF ANNEXATION.

1. *Discovery of gold;* how made; the rush to the gold fields; similar discoveries in Australia.
2. *The slavery question again;* need of State government in California; the Free Soil party; attitude of southerners toward the admission of California; the Compromise of 1850.
3. *Failure of the Compromise;* the Fugitive Slave Law; methods of enforcement; the Underground Railway; Personal Liberty laws.

XX.—THE NORTH REENFORCED.

1. *New causes of emigration from Europe;* famine in Ireland; political troubles of Germany, 1848–49; where these emigrants settled and their feeling about slavery.
2. *Development of transportation;* railroad building; steamboat traffic on the lakes and rivers.
3. *The new West;* opening of new farm lands; improvement in agricultural machinery; growth of western cities, centers of commerce, and manufacturing; increase in wealth of these new regions.

XXI.—SLAVERY IN THE WEST AGAIN.

1. *The Kansas-Nebraska question;* the plan to leave the decision to the settlers themselves; the Kansas-Nebraska bill; organization of immigration.
2. *A new party;* the collapse of the Whig party; make-up of the Republican party; the election of 1856.
3. *The slavery question becomes acute;* the Dred Scott case; the Lincoln-Douglas debates; the John Brown raid.

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XXII.—THE CRISIS OF THE UNION.

1. *The election of 1860;* the candidates, their platforms and cries; the attitude of the South; the election of Lincoln.
2. *The secession movement;* its theory; northern and southern points of view; the steps taken to form a southern confederacy; the doubtful States.
3. *President Buchanan's policy;* attempts at compromise; affair of the *Star of the West.*

XXIII.—CIVIL WAR.

1. *Relative power of the southern confederacy and of the Federal Government;* resources of the two sections, immediate and capable of organization.
2. *Fort Sumter and the call to arms;* Bull Run and its lessons.
3. *Organizing for the struggle;* systems of recruiting and training soldiers, North and South; methods of paying expenses, paper money, loans.

XXIV.—VARYING FORTUNES OF CONFLICT.

1. *Cutting off the confederacy from the outside world;* the blockade; blockade running; the *Trent* affair; attitude of different classes of English people toward the conflict.
2. *General plan of the struggle on land;* the blow aimed at the capital of the Confederacy; the failure of McClellan (without dwelling on names or details of particular battles); the attempt to divide the Confederacy along the line of the Mississippi; Grant's campaign of 1862.
3. *The emancipation proclamation as a war measure;* war policy toward the negroes.

XXV.—TURNING THE TIDE.

1. *Crisis of the struggle in the East;* a study of Gettysburg, with simple mention of the battles which lead to it (Fredericksburg, Antietam).
2. *Crisis on the Mississippi;* struggles about Vicksburg.
3. *On the threshold of the cotton States;* from Chickamauga to Mission Ridge, with description of only one field.

XXVI.—OVERTHROW OF THE CONFEDERACY.

1. *The Virginia campaign in 1864,* emphasizing the tenacious defense by Lee and the persistent attacks by Grant, without using the details of more than one battle.
2. *Sherman's invasion of the cotton States;* aim, in relation to Grant's campaign; fall of Fort Fisher; effects on the resources of the confederacy.
3. *Appomattox;* surrender of Lee; assassination of Lincoln; dismissal of the armies.

XXVII.—THE PROBLEMS OF RESTORATION OF PEACE.

1. *Reconstruction;* policies of Lincoln, of Johnson, of the Republican party.
2. *Methods of reconstruction;* amendments to the Constitution; acts of Congress; quarrel of Congress and the President.
3. *Troubles in the South;* carpetbag government; the Ku-Klux; the "Force" bills; opposition of the Liberal Republicans in the election of 1873.

XXVIII.—GREAT CHANGES IN EUROPE; IN GERMANY, ITALY, AND FRANCE.

1. *Civil war in Germany;* names of the principal States in Germany; how they were united before 1866; Austria and Prussia rivals for leadership; quarrel over the Duchies of Schleswig and Holstein; Austria driven out of Germany, the northern part of which is organized into a new confederation under the control of Prussia.

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2. *Germany and France;* Napoleon III, his desire to be as great as his uncle; failure of his scheme to set up an army in Mexico; quarrel between Germany and France over the candidacy of a Hohenzollern prince to the throne of Spain; the Franco-Prussian war, described in general outline, emphasizing the surprising victory of the Germans; all the Germans in the midst of their victory unite to form an Empire, with the King of Prussia as Emperor.
3. *France and Italy united;* Italian States before 1859; Napoleon III helps Victor Emmanuel to win Lombardy from Austria; expedition of Garibaldi to Naples and Sicily; capture of Rome in 1870.

XXIX.—DEVELOPMENT OF GREAT BRITAIN.

1. *Growth of self-government;* how the reforms of 1832 equalized the representation in the House of Commons; how suffrage in England has become practically universal; laws securing the freedom and secrecy of the ballot.
2. *How the House of Commons has used its power;* factory laws; laws improving the conditions of Irish tenants, etc.
3. *The British Empire;* brief description of English communities beyond the seas, Canada, Australia, South Africa, etc.; England still the greatest trading people of the world.

XXX.—THE NEW UNION.

1. *Opening of the Far West;* Pacific railways, distribution of the public lands; a typical western settlement.
2. *Financial crisis;* payment of the national debt; panic of 1873 and its causes; reorganization of business; exhibition of 1876, the Centennial.
3. *Close of reconstruction policies;* the disputed election of 1876; policy of Hayes toward the South; removal of United States troops and the result.

XXXI.—THE LARGER EUROPE.

1. *Stories of great explorers;* work of Livingston, of Stanley.
2. *How Africa was divided,* illustrated by the founding of the Kongo State; the English possession in the Nile Valley and at the Cape, with the cry for a railway from "the Cape to Cairo;" the French in Algiers; the Germans in East and Southwest Africa.
3. *European interests in Asia;* the English in India; the French in Indo-China; the Dutch in the Spice Islands; China.

Such topics as these can be explained only briefly, using an incident here and there to illustrate a feature of the situation.

XXXII.—THE PROBLEMS OF THE REPUBLIC.

1. *From industrial growth;* consolidation of railways; development of great industries national in extent; legislation against monopolies, against impure foods, and other industrial frauds; labor laws; the labor movement.
2. *Education;* development of the public schools, technical schools, and universities.
3. *From the war with Spain;* the annexation of Porto Rico and the Philippines; withdrawal from Cuba; colonial problems.

Dr. Julius Sachs also spoke on behalf of the Committee of Eight. Is it not superfluous, he said, to add a word to the presentation in behalf of the committee which Professor James has so lucidly made?

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And yet, in view of possible misconceptions and misinterpretations of the true import of the committee's work, one would like to emphasize a point or two that may fix more definitely its convictions with respect to this question of history work in the elementary school.

A great English educational leader, Sir Michael Sadler, has characterized it as the most serious weakness of England that men there are *not* ready to cooperate scientifically for great social ends and to submit voluntarily to the sacrifice of individual preference which such cooperation necessarily entails. Your committee throughout its labors has striven for concerted endeavor, for avoidance of duplication, for unity of purpose. However strongly at variance in their point of view have been individual members in the progress of discussions, they have in the end been convinced that the great need at present is the sacrifice of individual preference to a common good. Let me plead with all teachers of elementary schools here present that they too agree to this sacrifice of personal predilections, so that we may make a fair start on the way toward a sane and uniform line of procedure.

This individuality of opinion in the councils of the committee, which is both natural and legitimate, never once extended to the fundamental principles, and it is these that we ask you to accept. You may then, if you see fit, still exercise considerable latitude in the manner in which you proceed *within* the suggested scheme. Fundamentally, our plan is based on the proposition that the history teaching in the elementary schools shall be focused around American history, but that American history shall be regarded as distinctly related to and developed out of the history of the surrounding world. Fundamental also is the proposition that if we would maintain continued interest through the elementary course, we offer in each of the several years one distinct portion or section of our country's history; that we present this fully and finally as far as the history teaching in the elementary school goes; that we avoid the recurrence in successive years of subject-matter that has once been outlined for the elementary pupils.

The interest of the pupils in the higher grammar school classes can not be stimulated by a slightly expanded treatment of a core of subject matter that has become thoroughly familiar to them. On a large scale there should prevail, it seems to us, the method that characterizes the good story teller. To hold the attention of his youthful listeners, he disposes his material so that he reaches several distinct climaxes in the progress of his narrative. He refrains from disclosing prematurely the final issue of the story; he elaborates as much of his tale as his youthful hearers can apprehend at one sitting, rounds out his account in picturesque detail, and makes them eager in anticipation of the succeeding episodes of his narrative. Our his-

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tory teaching in the past has failed largely because it has not been picturesque; it has been an error to strive for a hurried survey of the whole field; we have repeated and enlarged the picture in successive years, but the charm of surprise and novelty has been lost, and the pupils have failed to appreciate the value of further elaboration when the initial interest has been forestalled.

It may be well to state here once more what has been attempted, and to contrast it with what we have recognized as an utterly futile effort. We have steadily avoided the temptation to develop an ideal plan of history teaching, and we would certainly not pronounce our scheme an improvement on the *best* that has ever been done in this country, but we know, as you must all know, that what is attainable in the most favored school systems of the country can not be made the standard for the elementary schools the country through. We have, however, adopted a grouping of the work so broad that it affords the fullest scope for the most accomplished elementary teacher of history, and, again, so flexible that the teacher of lesser attainments, of restricted information, can make it the basis of a sound and logical presentation with the more meager opportunities for self-culture which may be at his or her disposal. No one of us has for a moment assumed that there is to be a rigid adherence in detail to the minor subdivisions of each year's work. We know that to the superficial reader there seems to be offered more material than the average public school-teacher can present or the average public school pupil retain. But let it be borne in mind that whilst the arrangements of subject-matter should be thoroughly scholarly, its handling may be of the simplest; the presentation of each larger topic is to be free of all technicalities of language and thought.

It is not here in New England, with library facilities everywhere at one's elbow, that the need of such definite grouping of the subject-matter is most keenly felt; we grant without reserve that our teachers here will often be capable of offering more than the topic suggested; but we want a feasible working scheme for the less favored teacher, and we urge that a scheme like the present one, unless it be pronounced absolutely invalid, be given a fair trial through the length and breadth of the land for a number of years.

There is, it seems to me, one cardinal difference between this and former suggestions of general history courses. This is not a course so visionary in character that we must look a generation ahead in order to anticipate its possible realization. We have distinctly kept in view the demands of the hour, the capacity of the teachers as they exist. It is proposed to utilize these capacities, not that we are permitted to accept their present practices, but that we aim to stimulate them along lines of which they are capable. We are convinced that the grouping of subject-matter for the several grades will better

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serve the purpose of all history teaching in the grades, will awaken a distinct curiosity in the relation of American conditions to the rest of the world, and for that reason it has seemed to us correct to clothe with flesh and sinews in any given year a given part of American history, rather than to present in the early stages by means of a primary text-book the bare and unattractive skeleton of the whole of American history. And, finally, we have kept in view the unity of this whole presentation which those impair who thrust a year of English history into the seventh grade of the grammar schools.

I call attention to the further fact that there have been embodied in the considerations of the general committee questions that are hardly of less moment than the central issue of a proper distribution of historical subject-matter. Fundamental is the question of coordination. What contribution to the purely historical narrative can the study of geographical environment offer? What literary productions inspired by historical events or interpretative of their significance can enlarge the pupil's vista? What illumination do the creations of great artists bring to these same pupils? And, above all, what range of mental experiences will give us the sympathetic, well-informed teacher of the subject?

Varied as are these aspects, it is all important that a unifying principle should dominate their consideration; the attitude on the general scope of the work should not be antagonized in the prosecution of these detailed interests. It is from the concentration of thought on these several points that we anticipate the real success of the whole project.

You need not be reminded here that the report of the committee is not an official syllabus for class use, but it may safely be expected that if on its vital features agreement can be reached there will come into being more than one series of history texts, some simple, some more detailed, that will carry into practice the points of view it embodies. With no central organization, no parental educational administration, such as exists abroad, to unify our work, we are dependent, if we would gradually emerge from the hopeless diversity that characterizes our history teaching, upon concerted efforts like the present one. It may not present the best conceivable, but it brings before you a definitely and carefully considered plan; it aims at a rational presentation of American history, and it is entitled to a full trial of its merits.

Supt. H. P. Lewis, of Worcester, Mass., continued the discussion, saying:

In its general scope I have little doubt that the report of the committee will commend itself to every earnest teacher of American history in our elementary schools. To the teacher who teaches history

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merely as a part of the day's work it will seem impossible. Most teachers have felt the need of a far broader outlook upon European history for the sake of a clearer comprehension of the meaning of our own past. The same feeling that led Doctor Arnold to say that certain parts of Thucydides were modern history makes us recognize that much of European history belongs to us and that a knowledge of it must precede any thorough study of American history.

In our teaching of American history in our elementary schools we have in large measure defeated the very aim which we have had in view; our attempts to secure thoroughness have led us to methods that have prevented thoroughness. The dreary iteration of facts, studied out of their true relations, has stood in the way of knowledge of facts or interest in them.

The course of study in the elementary schools with which I am connected may be taken as a prevalent type. It deals thus with history in the nine grades below the high school. In the fourth and fifth grades we study the biographies of leading Americans in our political as well as in our industrial past, with some attention to local history. In the sixth grade we read an elementary history of the United States. In the seventh and eighth grades there is a systematic study of American history. In the ninth grade we have a review of American history, a study of civil government, and readings from English history. The aim has been to give a thorough grounding in American history as far as this can be done in elementary schools. It was undoubtedly hoped that this continued study of our country's history would tend to instill patriotism in the minds of the pupils—a worthy object certainly. The result has not been such as to justify the hopes. I am told by those qualified to judge that the pupils have less knowledge than formerly, when only one year was given to history in the elementary courses. Certainly when the pupils reach the high school and are allowed options in their courses of study there is no evidence of any intense interest in history. I think it was President Eliot who claimed that this overemphasis upon American history in our schools tended to produce "bumptious Americans" rather than patriotic citizens. There is certainly abundant evidence that we have such Americans—men who magnify unduly the importance of our country and its progress; men for whom history can have no lesson because they are disqualified from seeing things in their true perspective.

Another objection to our present course in history is that it is not sufficiently related to the courses in geography and English. The pupil in his geography is a wanderer upon the face of the earth and travels over all land and seas, while in his history he rarely ventures out of sight of his native land. So geography and history are robbed of much of the value and interest which they are fitted to con-

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fer upon each other. For my own part, I can not see much use in the study of geography except as it connects itself with man's history or his present interests. I can not blame the boy who is asked to study the geography of Greece, without any hint of its glorious history, if he respectfully refuses to take any interest in the matter, or if he objects altogether to an acquaintance with the capes of Africa unless he is allowed, in imagination at least, to voyage with the early explorers and to round the Cape of Good Hope with Vasco da Gama. Such a course as the committee has outlined will give a new meaning to much of the pupil's study of geography.

As I understand the course outlined, the work of the sixth grade is to be almost wholly upon European history. I do not know what work in earlier grades this outline presupposes. There is no reason why the study should not be begun as early as the third grade, when the pupil is 7 years old. He is then old enough to take interest in and to understand biographies of leading men, stories of exploration and discovery, and some facts of local history. I assume that he is expected to come to the sixth grade with two or three years' preparation along the lines which I have suggested. We have to keep in mind, all through the elementary course, what the child's mind is adapted to receive, rather than what we would like to have him know. He is fitted to follow the explorers and pioneers, because stories of adventure, of life lived under simple conditions, are always attractive to the mind of the child. Pioneers like the Pilgrims and Puritans and explorers like Boone, Clark, Marquette, and La Salle reveal a sort of " primitive stratum of social life " such as the child is capable of comprehending. It is a mistake to think that what is nearest in time and space will make the strongest appeal to the child. Mature institutions and mature customs appeal only to mature minds. The child knows only the world that conforms to his inner experiences and not the world of infinite complexity that in these days surrounds him. Hence it is more important that he, in his early years, should study life in its simpler forms than that he should strive to grasp the meaning of the life around him. Remoteness in time and place are no obstacles to his interest. He has all the appliances, seven-league boots, Fortunatus's wishing hat and purse, to make these of no account. Most remote things are more real to him because they are simple. Before he reaches the age of 12 or 13 he has vague ideas of time and space relations.

Here the question arises in my mind whether these facts of child psychology have been kept steadily in mind in framing the course for the sixth grade. Is not the work proposed too advanced and too varied for boys and girls 11 or 12 years old? Many of these children have an exceedingly imperfect knowledge of English. They are learning an historical vocabulary at the same time that they are try-

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ing to comprehend historical facts and relations. I fear that the average pupil of this grade will be suffering from an intellectual vertigo, with a pretty vague idea of what it is all about. While, as I have said, I welcome most heartily this attempt to free us from the present course of study and believe that it is a long step in the right direction, for actual use in the schoolroom it will need material modification. It will need also new text-books, new suggestions for teachers, and quite possibly new teachers.

Personally, I should prefer to see a somewhat different direction given to this study of the world's history as a preparation for the study of our own history. First of all, I do not believe with Freeman that history is past politics and politics present history, or that the true subject of history, of any history that deserves the name, is man in his political capacity. I prefer to agree with him when he says further on in the same lecture, "We do not rightly understand the present unless we trace the present back to its causes in the past." Certainly the causes of the present are not to be found mainly in the politics of the past. Science, philosophy, religion, industry, each has had its important part in forming the present. I have a feeling that the course outlined leans too much to the political interpretation of history for right conclusions and also for fitness for use in our schools. While I am not disposed to magnify the economic interpretation of history, it seems to me that it affords the simplest approach, and at the same time the truest one. For this reason I should like to see the work of the sixth grade begin with a study of trade routes which antedate most of our ancient history, and try to get the pupils to understand something of the simple forms of society that used these routes, what objects they had in trading at so early a period, what were the means of communication, and what effect these routes had upon the growth and decline of cities and empires—why, as one city rose to power, another fell into decay. He should see how much of history is caused by the unstable equilibrium of trade. We should not need to apologize for taking a large share of the time now given to geography, if, properly equipped with maps and globes, we should thus study the history of mankind.

It may be objected that we should, by such a study of history, give the child a too material view of life; yet I do not see that life loses much of its dignity and worth when we see that its course in history is largely determined by commercial and economic aims and causes rather than by the brutal impulses that lead to war for the sake of glory or conquest. The Trojan war may lose much of its romance but none of its interest if we attribute it to a struggle for supremacy in worthy trade rather than for the possession of a not altogether worthy woman. The conquests of Alexander, the campaigns of Napoleon, do not lose their worth or interest in history when we look

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upon them as attempts to establish the supremacy of a trade system. If we are seeking to derive any lesson from history, we lose our opportunity if we do not learn the real economic reason why Italy yielded so supinely to the invasions of the Goths, why the Mongols met with so little effective resistance in their attack upon the Western World, why Constantinople fell so weakly before the Turks. Changes of trade routes, together with overtaxation, explains a large part of history. All these facts connected with the development of trade, with the growth of cities and empires, with inventions and the rise of industries, with improvements in the means of communication and travel, can be made of intense interest to pupils of the elementary grades. This is a matter of experience and not of theory only.

To such a study as is here suggested, but which my time does not allow me to elaborate, I would give two years, bringing the history down to the English colonization of America. The first year should cover ancient history, with especial stress laid upon the place of Athens, since American history begins with Athens, in civilization. This for two reasons—because the social organization of Athens was simple, and because modern civilization is only the development of Athenian civilization. For the last two years I would follow in the main the course as outlined by the committee. All through the elementary grades I would have as a side study the history of inventions and industries, as, for instance, the development of means of traveling by land and sea, the history of implements of war, the growth of customs and institutions. The value, as well as the defects of present institutions, can be appreciated only after a study of their origin and slow growth. Whatever helps to an understanding of how the present came to be what it is is fit material for study.

Probably the course proposed will need some material modifications to fit it to the actual work of the schoolroom; but I repeat that I for one welcome most heartily this attempt to make the work of the elementary grades in history more valuable in itself and more inspiring to the further study of history. I predict for it a large influence upon our school work.

Prof. Herbert D. Foster, of Dartmouth College, continued the discussion, as follows:

The committee has evidently made a contribution to better teaching and has suggested a plan which will stimulate teachers and which, in the main and with some modifications, is likely to prove practicable.

Responding to the wish of the committee for frank discussion and criticism, I venture to discuss the two questions of feasibility and continuity and to make three minor suggestions. To the question of feasibility, the teacher and the child in the grades must give the ultimate answer. My own impression was confirmed by the judg-

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ment of two teachers of experience in a village school somewhat above the average rank. The teacher of the sixth grade believed the topics would prove interesting and feasible with the children in her grade. The teacher of the seventh and eighth grades wrote: "The topics [for those years] expect more of the child than the average child can comprehend. * * * So far as I know from actual experience, a child in the seventh grade * * * must have foreign affairs presented to him in a very close connection with things he knows already. * * * As soon as we try to teach him about other places he loses interest and fails to understand."

The topics for the sixth grade, on the European background to the close of the sixteenth century, appear interesting and feasible. For the seventh and eighth grades the topics might perhaps be given somewhat greater continuity and simplicity. It would be, for example, difficult for a child in the seventh grade to pass from the Puritan emigration and the "Puritan and Cavalier in England" to "Gustavus Adolphus and the Thirty Years' War" and "Stories of Wallenstein and Richelieu," and then back to Penn and the settlement of Pennsylvania. In the outline the Thirty Years' War stands unrelated; it has not been preceded by study of the Reformation or the Jesuits, and it is not brought into relation with American history. This is a somewhat extreme example of the difficulty of the outline; but the question of their fitness and continuity should be carefully considered by the committee in regard to a considerable number of other topics which should either be omitted or brought into vital relation with American history.

It is very desirable that the average child who completes his schooling in the grades should have there the somewhat orderly story of the development of at least one country to compare with that of America. Some of the better schools already teach English history. In some way these schools should be encouraged, and others should be aided to do as much as they can. For the better, and perhaps for the average school, the syllabus might prove more valuable if some place could be found for a fairly continuous study of the development of the British Empire. The fundamental difficulty of lack of time could perhaps be met partly by the omission of topics on European history which now appear unrelated to American history, partly by a transfer of some topics to geography, and partly by a rearrangement which should bring into some one place a continuous treatment of the development of English-speaking people outside of the United States. The choice of a place could hardly be made save by the committee which has made the outline, but it would seem to lie either in a separate year in such schools as have adequate time or at the beginning of the seventh grade in continuation of the story of English development already sketched to the close of the sixteenth

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century, or at the close of American history, with a final comparison between the development of the American nation and the British Empire. The outline makes commendable effort to give the child some background; it still leaves the child in danger of being bred on a false patriotism and on an unhistorical estimate of his own country, because he lacks a basis for comparison with any other national development.

Some place could probably be found, especially in connection with the crusades and the discoveries, for more study of trade routes and economic conditions so properly desired by Superintendent Lewis.

The outline might gain in clearness and logical arrangement if the division of all general topics into exactly three subdivisions were not rigidly adhered to. Teachers would certainly be greatly aided by some indication of the relative amount of time expected to be given to each topic and by lists of books and references, both of which plans I am glad to learn are in the mind of the committee.

Principal Isaac O. Winslow, of the Thayer Street School, Providence, continued the discussion by saying:

It is only with feelings of hesitation that a teacher from the schoolroom desk can venture to take into critical consideration the report upon which the committee of this Association has expended so much labor. If what I have to say should seem like boldness or presumption, I certainly do not intend it in that way. I can simply present the matter as I see it from my own standpoint, however narrow my position may be.

You will, then, permit me to plunge directly into the subject by saying that I regard the scheme before us as altogether too ambitious. If the charge had not been already disclaimed, I should have been inclined to suggest that we have here but another instance of the preparation of work for young children by persons who are more specially interested in the logical development of the subject than in the needs and limitations of the children who are to pursue it.

It may seem discourteous to question the validity of the statement that the course as presented by the committee has been already put to the test and found practicable, but the further question may be ventured whether the test has been conducted under fair and normal conditions. Has the course been tried in a large number of ordinary schools in various localities by unbiased teachers, or has the work been done by teachers predisposed to be favorable for the purpose of gaining support for foregone conclusions? It is possible for a teacher who is anxious to succeed, and who himself happens to be much interested in the work, to train a good class of pupils to do almost anything. The question is not upon the possibility but upon the wisdom of such a course. We must prescribe for average conditions and not for exceptions.

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I believe that the course here offered is too difficult in respect to both quantity and quality. It contains about twice as much subject-matter as is called for in the average course in American schools. How is sufficient time to be secured for so great an addition? In a curriculum already crowded, how can we make any considerable addition to the one hundred and fifty minutes per week, or approximately that time, now devoted to history in the schools of the country? The committee have suggested an answer to this objection by stating that many of the topics are to be very briefly treated. My rejoinder to this explanation would be that it implies a bad method of teaching history to children. The greater the number of separate points introduced the less time is there to develop each and make it interesting. It is of the utmost importance that the interests of the child should be sustained. For this purpose, it is better to limit the number of topics and to bestow upon each a full and clear treatment. A boy has far more interest, for example, in learning a new story about George Washington or Abraham Lincoln than in learning a similar fact or story about a person whose name he has never before heard. As soon as we disregard the natural interests of the child and crowd the course with a long list of facts and events we shall inevitably degrade the exercise to a dreary routine, and this is the bane of present conditions which it is particularly desirable to overcome.

I find that the increase in the amount of matter over that of the ordinary course consists in the fact that about one-half of the work is upon European history. Practically the entire sixth year is devoted to Europe. It is easy to understand how this came about. If we set ourselves about the task of treating American history in a thoroughly scientific or philosophical manner, we must necessarily go back first of all and trace the lines of development. There is such an entanglement in European affairs that it will require at least a year to do this. But this effort is largely wasted upon average children of the sixth grade. It must not be forgotten that a child of 11 or 12 years is still a mere child. He has no special interest in tracing out causal relations historically. Such higher discipline in history belongs to more advanced stages of mental development. It belongs, for the most part, in high schools and colleges. For elementary children the chief benefit from history is a moral benefit. It is of the nature of hero worship or ancestor worship. Children are inspired to imitate those whom they have learned to admire. The work for the sixth grade should be largely biographical, and if we can succeed in giving such children a taste for history, rather than an aversion for it, we shall accomplish all that should be desired. The history of our own country affords a sufficient number of stirring events and striking biographies for the purpose. In view of the yearly accession of hoards of foreigners to our shores I am not

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affected by the fear of President Eliot that the overdoing of patriotism will lead to "bumptiousness."

After saying so much on the destructive side it would be unfair to make no suggestions for a substitute. I would postpone European history to the eighth year. I agree with the committee in believing that it is a mistake to confine the course to American history. It seems absurd to send pupils out from the elementary schools, from which a majority of the children of the country graduate for life, without giving them an insight into the history of any country except their own. There is material enough in American history to occupy the sixth and seventh years. At the beginning of the eighth year I would go back to Greece and Rome, if not even further back to earlier civilization. I would dwell long enough upon each country or each epoch to give a clear idea of its meaning in the history of the world, still relying upon biography to a considerable degree for maintaining interest. This work upon Europe would require one-half of the eighth year. For the remaining half year there would be an opportunity to pass on from European to American history, tracing in a simple way the lines of cause and effect and passing again over the whole course of American history from a higher standpoint.

Science requires particulars before generalizations. By postponing this general survey to the eighth year we should give the child the prior advantage of an acquaintance with the facts of our own history as well as some preparatory development of the historic sense. He would then be prepared, through a brief and simple study of the history of Europe followed by a general review of the history of America, to gain to the greatest extent that is possible in elementary grades that scientific aspect of history which the committee so greatly desire to promote.

Dr. James Sullivan, of the High School of Commerce, New York City, then continued the discussion:

In regard to the points made by the various speakers who have preceded me, I think that most of us felt very strongly the force of the remarks of Mr. Lewis in regard to the emphasis to be placed on economic conditions. The word economic sounds very heavy, and yet it is the simplest thing in the world. When you speak about economic causes in the high school with which I am connected, the average teacher has very interesting ideas of what is meant, and yet it doesn't mean anything so very serious or very difficult to understand. I think that what he said about trade routes deserves the consideration of the committee. What Professor Foster said about carrying a line of history parallel with a line of American history also deserves their consideration. The views of the last speaker were interesting for the reason that he represents a point of view which is

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seldom known by members of committees who frame courses of study for schools lower than those with which they are connected. Nevertheless, I think there are one or two points that deserve consideration in his address. One is the mention of the fact that less time is given in some European countries to history than in this country. I don't think that would bear proof. I think one reason for the unsatisfactory condition of history in the elementary schools of this country is due to the fact that we do not give as much time as they do in Europe. There are, however, members here present who have given this matter more detailed study than I have, and I believe they can speak with a good deal more authority.

The work of the committee I think I am somewhat predisposed to disagree with, because I think disagreement usually brings progress. If I got up here and said I agreed with everything that has been said we should probably have less discussion after this than if I were to disagree and bring out points where disagreement may be shown.

The question that arises is, Has the committee done anything which is progressive? Now, it seems to me that it has. In the first place, if I may speak of New York City, some years ago we tried a syllabus somewhat similar to the present one. After a trial of one year that syllabus was done away with on account of the insistent demands of some of the teaching force that they could not get the material with which to do the work. An old style of syllabus was resumed by which American history was taught in the sixth grade and also American history in the eighth grade. The question arises, Is it possible to teach American history in those two grades and teach it well? I haven't found one of the teachers who says it can be done well. They find it absolutely impossible to differentiate American history in the eighth grade from American history in the sixth. It amounts to nothing more than repetition. Pupils who come to the high school have had American history ad nauseam. They are blatant jingoes. We must do something in order to give these pupils an idea of European history, and that is what this committee wishes to do, and it is doing it in the best way it seems possible at the moment.

The next question is, Has the committee in its syllabus eliminated the unimportant? By looking over and studying the report of the committee I would say most decidedly it has eliminated a great deal which has previously encumbered the courses in history for the elementary schools. The committee has also put in the background that most unfortunate idea that history is for the purpose of making young patriotic citizens. People do not get patriotic by studying history unless they have a misrepresentation perhaps. If you think that people become patriotic because they study history, you would therefore try to conceal all of the wrongdoing of your own country

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in order that the pupil might dwell only upon those things in which it is thought his country was right by the historian. Our patriotism is not of that sort. We love our country without being told that everything is perfect in it. How a pupil must feel when he realizes that this country has never done wrong and that all the other countries with whom we have had differences have been wrongdoers.

There are some other points which I can not take time to take up. In this syllabus it seems to me there is much to deserve our approval. In the first place, the fundamental basis of this syllabus is that American history should be taught as a part of the history of the world. I don't see how you can disagree with that. No student of American history can get a good idea of American history unless he knows what has gone on in other countries. Another point is that in the choice of persons to be treated the committee has chosen very few. They have not attempted to choose all the great people in the world. Because of the limitations of space, text-books that are used can give but a very brief account of character, so it is a great deal better to have five great individualities stand out in strong relief than to have twenty briefly mentioned personages. As one pupil spoke of Alexander, he is a mere "history man." He didn't seem to think that Alexander had blood and flesh and bones, and the reason pupils get such ideas is because too many great personages are put into the course of study. The committee has eliminated that evil.

Now, there are some points, however, which it seems to me should be emphasized besides those mentioned by Mr. Lewis. In the first place, I think there is a weakness in regard to the treatment of recent history. We study history, so we are told, in order to understand the present, the real present. But it is very doubtful in my mind if a pupil ever does understand the present, because recent events are very seldom dealt with sufficiently in our histories. The pupil will talk very glibly about events which happened centuries ago, but if he is asked about very recent occurrences, I do not mean so recent as to be of the present day, but occurrences of fifteen years ago, he does not know anything about them, and yet they have certainly become history, and there is no reason why those should not receive due emphasis.

Another point, and that is failure to advocate the use of authentic anecdote. Before the New England History Teachers' Association there was a paper read on the use of authentic anecdotes. I was not fortunate enough to hear that paper at the meeting, but I subsequently heard it in New York, and I think those who heard that paper realize that there is great room for fixing points in the students' minds by using anecdotes that are authentic. I do not think there is anything which fixes points so well as they do. I do not believe in the use of the unauthentic anecdote.

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Another weakness of the syllabus, and I do not know whether this criticism is due to my ignorance or not in regard to the previous report, is that no attempt seems to be made to describe the country in which the Americans have settled. I do not mean to say that I think we ought to have an elaborate description of the Indians or an elaborate description of the archæology of the Mound Builders or of the Incas, but in order to give the student a good idea of the settlements here he should have stated to him very simply the conditions which surrounded the people when they settled, because those factors played a very important part in the development of the history of this country.

Another point, and that is as to whether the committee has put in sufficient matter on the government of the country. Here I think there is room for difference of opinion. Some of us feel very strongly that civics or civil government should only be touched upon incidentally in a course of study in history, whereas others feel that civil government should be given a special course, and there are still others who feel that there should be a very large portion of the course in history given over to the study of civil government. The committee has not done that, and I think advisedly. I think a proper study of the government of the country is to be found in a separate treatment and not in the histories, where such material as is given verges on what we should call constitutional history rather than a treatise on government at the present time.

Professor James, in inviting a general discussion, spoke in part as follows:

I think I may say for the committee that we have been greatly gratified with the discussion we have heard to-day, and particularly because the various members discussing this syllabus have really said they would like to see done what the committee has had in mind to do. For instance, it has been in our minds that the first five grades will have to do with just those features which have been brought out, American life and American heroes, certainly in the fourth and fifth grades.

There are some members of the committee who have ideas you may not agree with on the subject of civics. The problem is to be worked out and perhaps a separate report made.

A subcommittee has been working also on the relation between history and geography. The subject of art and the subject of literature are also to be given attention. The preparation of the teacher even is to be touched upon; so you can see we have some rather large ideas as to what the work of the committee ought to be, and I trust we can at any rate meet some of the criticisms that have been made upon the work as it has been presented to-day. I should now like to have the question taken up for free discussion.

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Miss SALMON. I would like to know if teachers really want a lot of questions and syllabuses and things of that kind given them, and if they help them in their teaching, or do they seem superfluous. Would not teachers like to be put on their own responsibility a little more and be able to work out their own syllabuses and outlines, and have a little more initiative in this whole matter, if we can all agree on what aim we are to reach and the general route by which we are to arrive at that point?

Mr. SULLIVAN. I think that some of the most valuable questions which have ever been presented on history have been found in the books in histories and civics. There is no doubt that you there come in contact with the ideas of men or women who have given the subject a great deal of attention. I have taken from those lists of questions subjects on which I had been accustomed to frame questions in a different way, and I was glad to get the new points of view. Therefore I sincerely hope that those who write books, at least for the secondary schools, will continue not only to put in questions, but outlines, syllabuses, etc., because it gives a different point of view. I think it proves helpful both to those who have had sufficient preparation and those who have not.

Dr. Ernest F. Henderson, of Cambridge, Mass., said:

I am afraid I shall seem very heretical, but I think that there is already too much time devoted to purely American history in our schools. It is not that I am not a good American, or that I do not find American history interesting. But it seems to me that for the very reason that it is our own history we are apt to look at it in a wrong perspective and that it has not, for us, the educational value offered by European history. What we should aim at in the first years is the formation of a historic sense, so to speak, and a historic method; and I venture to think that in all the range of learning the study of no branch can give such valuable training to the intellect. History compels you to look at realities, helps you to discover them, makes you more and more fond of the truth; teaches you to discriminate between trivial and important facts—between trivial and important writers. It teaches you to handle a large number of books as tools. The attainment of this critical attitude of mind is to me so infinitely to be preferred to any of the patriotic feelings that the study of elementary American history is supposed to inculcate that I think our whole pedagogical aim should be to achieve it, letting the patriotism take care of itself.

But in point of fact I think you will find that a good grounding in European history will enable the pupil eventually to master the essentials of American history in half the time. He will already know what topics, constitutional or otherwise, are of real intrinsic interest. What teacher has not had to contend with this inclination

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to regard all statements in a history book as equally impressive and valuable?

And now for the scheme of study that I should like to see adopted and which is practically in opposition to the report of this committee. As Professor Foster has said, there is a steadily increasing interest when one follows the development of one country. This is a perfectly legitimate interest which the educator can not afford to neglect, but which is utterly sacrificed when you jump from country to country in search of analogies or even of synchronical happenings. What is the value of allusions to the German Reformation, for instance, if we know nothing of the conditions that brought about that Reformation? And, again, without having studied at least the outlines of German political history during the Reformation, the Thirty Years' War is meaningless, and allusions to it are simply confusing. The scheme I would advocate, then, for the study of mediæval and modern history, and which I should like to see followed however little time can be given to the subject is this: I should take the pupil first through German history from the oldest times to the present day. With proper teaching I am absolutely certain that the course could be made absorbingly interesting. In the next year I should go back to where France branched off from Germany, carrying France again down at least to 1871. The points of contact with Germany will constantly serve to refresh the memory as to the work of the year before, and the old questions will often be looked at from new points of view. England should next be taken up to the end of the reign of Victoria; and the fourth year should be entirely devoted to America. I wonder if it has occurred to anyone that, even with such a distribution of time, America would really be receiving more attention than the other three countries put together. America has a connected history of, say, three hundred years; the other countries have a history of from fifteen hundred to eighteen hundred years. Year by year, then, with the same number of hours, you would be studying American history with four or five fold detail and intensity.

President Albert Perry Walker, of the Boston Normal School, said:

I hope that the criticisms of the several speakers will not cause their hearers to doubt the essential soundness and the extreme importance of the proposed course of study. At present the schools suffer very greatly from those overlappings and repetitions in the grades to which the chairman has referred and which this course is intended to obviate. I want to emphasize what Professor James said, that no vivid interest can be stimulated in the minds of immature pupils by merely going over somewhat more intensively a field already covered. I have found that even fourth-year pupils in the high

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schools (after three years' rest from the United States history) fail to resume the study with zest because they seem to themselves to be familiar with most of the subjects assigned from day to day.

Nothing would be more helpful to a teacher in a particular grade than to know that, however fully the teachers in the earlier grades had developed certain subjects and however wisely they had ranged for interesting materials, there were certain subjects and certain material that belonged to her and to her alone.

It has been suggested that the proposed course, ranging from the Argonauts to Roosevelt, can not be completed within the allotted time. But the committee reports that it has been so allotted. The objection, being interpreted, must therefore mean that the teachers will not bring themselves to confine their treatment of the specified subjects within the limits intended. When the present system of college entrance requirements in English was adopted a similar difficulty was met. Teachers whose English courses had formerly included half a dozen standard works now found themselves trying to cover sixteen in exactly the same way and were driven by repeated failures to devise new methods of attack involving less attention to details. One of the best features of the committee's report seems to me to be its repeated suggestions to teachers as to what should not be attempted in treating the various subjects.

Professor Foster's objection to the constant shifting of the scene from one to the other side of the ocean is not borne out by experience. My pupils have shown themselves able to do this and turn from India to Canada or California without confusion of mind, provided that the logic of events required it. His proposed substitution of a separate study by periods of American and European happenings seems to me to be opposed to the very spirit of the report. The conception underlying the whole course is that certain events on this continent and certain other events in England and in Europe form together a single stream of history—the history of our country and its people; the evil that it aims to check is that of looking at America as isolated, self-made, self-directed, self-expanded. Professor Foster's plan for studying American and English history in alternating sections would tend to produce this very result and is virtually a plan for two courses. But the committee contemplates a course in American history and in that only. It plans to touch European happenings only when they are casually related to, or are otherwise part and parcel of, American happenings—in other words, when they are American history. To make the proposed division would be to forfeit the very advantage which the committee is planning to secure.

As it stands the course is a logical, connected sequence, and this is ground enough for its adoption. So many of our teachers (forced

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by circumstances to teach history with no special training for it) still conceive of this study as a collection of facts painfully memorized in their time sequence. History stands beside arithmetic and grammar as a means by which pupils in the later grades may learn to think logically, but it will not serve this end unless the logic of events is a controlling factor in the teacher's presentation of the subject as it is in this course of study.

And this leads me to say, in answer to Professor Salmon's question, that the grade teacher does need and desire just such pedagogical "apparatus" as she finds in our own newer text-books, and just such detailed syllabi as this. The day has not yet come when the majority of those who have to teach history in the grades can be trained specialists in that work. From time to time they have discourses and read treatises on the principles and methods of teaching this subject, but these are comparatively meaningless to them unless supplemented by lists of topics with references and specific suggestions like those included in this admirable report.

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VI.—REPORT OF THE CONFERENCE ON HISTORY IN THE COLLEGE CURRICULUM.

By MAX FARRAND,

Professor in Leland Stanford University, and Chairman of the Conference.

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REPORT OF THE CONFERENCE ON HISTORY IN THE COLLEGE CURRICULUM.

By MAX FARRAND, *Chairman.*

TOPIC: THE SEQUENCE OF COURSES.

In opening the conference the chairman explained the subject to be discussed by first disclaiming any thought of determining a fixed order of courses in history. In the previous conference, "on the first year of college work in history," it had been agreed to disagree as to the best subject to be taught and the best methods to be followed. Yet it had been helpful to learn from the statements of the teachers of history in the different colleges as to what was being done in their institutions. Those who consented to take part in the present conference were asked to relate their own experiences, or to tell what they would do if conditions were more nearly ideal. In pursuance of this idea, the chairman described the sequence of courses in history at Stanford as follows:

In the first place, we have a series of introductory courses covering in a general way the different fields of history, ancient, mediæval, modern, English, and American. All our courses are elective, and we try to get the students in their first year to take one or possibly two of these introductory courses. We find in general that English history and mediæval history are the best subjects for the first year, and in the second year the other courses are open to them. In the first two years then the students take these introductory courses, not all of them, but such of them as they are interested in or will be of service to them in their later work. In the second place, we have a special requirement for graduation. Students have a major subject in which they are given their degree—as A. B. in history, economics, or English—and for graduation in history, no specified number of hours is required, but we require that they shall carry successfully one advanced course, of which each instructor offers one or more. It makes no difference in which field that advanced course may be chosen, though, naturally, the prerequisites for admission to the course will vary with the different instructors and with the different subjects. The object of this is to prevent students from getting

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merely a smattering of general courses, for we believe that a large part of the benefit which comes from historical study is to be obtained only by carrying on the work to a more advanced stage. The advanced course is not a seminary course, for we try to distinguish sharply between the two. It is distinctly a training course, and if the students pass through this satisfactorily, they are ready to take still more advanced work—that is, to do original work.

But there is another feature of our work. We have introduced what we call a history or library training course. We have found that, in order to get the students to do the necessary reading in connection with their general lecture courses, they must know how to go into the library and find the books they need, and they must know how to use the books after they have found them. In most institutions it is customary to let the students acquire it by themselves or to give that training in connection with the introductory courses. But we find that to do such work adequately requires too much time and interferes too greatly with the lecture courses, and so we have differentiated the work and established a separate course. We started this as a two-hour course, but have now reduced it to one hour or one unit of credit a week, and we require all students who make history their major subject to take this library training course for the first two years of their university work. We teach them how to use the card catalogue of the Stanford library, and then how to use the printed catalogues of other libraries—it is a training in elementary bibliography. In the next place, we give them practical exercises—for this is not a lecture course—in the use of dictionaries, encyclopædias, and other works of reference, and in the finding of material in periodicals. Along with this we criticise their methods of taking notes, and finally give them some training in the handling of the material, that is, practice in the elementary principles of historical criticism. While the work thus far has been to a certain extent experimental, we are already able to see the benefits, and I am glad to say that two other departments of the university have come to us with the request that their major students might be allowed to take this training course, which is the best of testimony as to what is being accomplished. The result of this will undoubtedly be, not that the history department will attempt to train students from other departments, but that the library will give a general course in the finding and use of library material, which will be suited to students of all departments, and the individual departments will follow this up with separate courses designed to meet the needs of their own major students. There are dangers of course in this work, and in particular the danger of too much mechanism, or too much systematization, but that can be guarded against. The work is still in an experimental stage, but I believe that our results are thus far satisfactory.

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In general, I feel that we are able to accomplish somewhat more with our students in history at Stanford than can be accomplished in the average eastern university, and for several reasons. In the first place, history occupies a more important place in the curriculum of the high schools of California than it does in the East, and our students come to us better trained in historical work. It is quite common for us to have four full-year courses in history presented for entrance, and when a student has four years of history as a background, he is better fitted to take up university work. In the second place, while our students may be lacking somewhat in culture—for example they may not have done very much reading before coming to the university—in general they are more serious in purpose; they are more earnest in their work. From my own experience I should say, that in a general lecture course merely a recommendation to read some particular work upon the subject in hand is sufficient to lead from 75 to 80 per cent of the class to do that reading without any further compulsion from the instructor. These factors combined with our major study system, which permits a certain amount of control and a large amount of advice that is generally followed, enables us to accomplish somewhat more advanced work with our students in their final year. This does not result, I think, in too much specialization in history, but it means that we are able to give our students the training which we believe to be beneficial, whether they are going to be specialists in history, as teachers or scholars, or are simply taking history as a foundation for other work.

Prof. George B. Adams followed, with an account of their experiments and experience at Yale:

I want to say in the beginning of this discussion that the subject is one that I don't know anything about. I have thought in the last half dozen years a good deal about it; I have read all that I could find that has been written on it, and I have had part in some experiments which have been to me certainly enlightening, but I feel as the total outcome that I don't know really anything about it, and I want to emphasize very strongly the words of Professor Farrand in introducing the subject. The thing we can do most usefully, I think, is to discuss the experiences we have had and the experiments we have made, always remembering the fact that local conditions in the different institutions create a situation for a given department which renders it often impossible for that department to use very fully the experience of another. It is a commonplace fact that our educational system in this country is in an experimental stage, but I think oftentimes we don't see how this fact affects the conditions under which a department must do its work; but the local situation often makes these so peculiar that theoretical considerations, however well worked out, and even the experience of other institutions, are of little value. I think we ought to state our theoretical conclusions with a

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good deal of modesty, and if we feel that we have worked out a successful solution of this problem in our own institution, we ought to feel grateful to Providence for that fact, without calling on the universe to observe that we have settled the question for everybody. It seems to me the most useful thing I can do will be to give an account of certain experiments we have made at Yale within the last few years, with as frank a statement as possible of the conditions under which they were made. The experience has been very enlightening to me, and it may be of some value to others.

About half a dozen years ago we were able to put history into the freshman year for the first time, and that enabled us to carry out certain ideas which we had had with regard to the organization of our college work as we had never been able to before. That introductory course in history was explained to the Association somewhat fully last year, but I want to recall to your minds one or two features concerning it. According to the arrangements which exist at Yale with regard to the elective system (and the character of the elective system in an institution is one of the most important things which conditions the work of a department, i. e., whether it is open election, limited election, or election of groups), we can offer only one history course to freshmen. Under such conditions it seemed to us best that our first course should be a general course in European history, and we have made a course of that kind, beginning somewhere about the Fall of Rome and going on nominally to 1870, covering western continental Europe. Second, we have the opportunity of offering one elective in history to sophomores and one elective only; among the fifteen hours which are required of sophomores, they can choose only three hours of history, so our question was, what course in sophomore year will be on the whole the most useful to offer to those who have had this introductory course? When we organized the system, we arranged our plan on somewhat theoretical grounds. It seemed to us that the proper thing to do for second-year work was to take a small field which had been included in the work of the larger course, and subject that field to more intensive and detailed study. We consequently arranged two courses in mediæval history, which were to alternate with one another, being open to both sophomores and juniors, the first course selecting topics from the first half of the Middle Ages, and the second course from the second half. That seemed to be theoretically a very good arrangement and we put it into operation. Then with a little experience we discovered another of those local conditions which seem to me to modify the result in any given institution, that was the judgment of the student body itself with regard to what it wanted as a second-year course in history. I think institutions may differ very widely from one another in this particular, and that fact needs to be taken into account. Prob-

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ably in some of the smaller colleges where the majority of students are still going into the old professional life, as they did years ago, and perhaps in western institutions generally, conditions are different in this matter. But we found that the general run of our students in their second year did not want special courses in history; they wanted a general course which covered a larger ground of event, and introduced them into a wider knowledge. As a result we found after a couple of years that our second year's history was running down in numbers very rapidly; that we were not carrying the students who had had history in their freshman year on as we should do in the study of history; and that the history department was not doing its proper share of sophomore work. We consequently had to revise our theory of what ought to be offered as a second-year course in view of the practical situation. And the question was, What general course will be most useful for us to offer as a second-year course in history, open only to those who have had history in the first year? and, after considerable discussion of the subject, we decided that, all things taken into account, the best course for us to offer under such circumstances would be one in general English political history. That course was consequently offered three years ago, a course covering the whole of English history, but spending only two weeks on the Saxon period, passing over some of the other portions very rapidly, and not taking up at all the technical institutional side—that is, not studying the constitutional history as a separate topic. We take up, of course, naturally, the history of Magna Charta—that is to say, the way in which it came into existence, and the circumstances of the time which led to it—but what the special articles of Magna Charta mean, and what its influence has been in the development of the English constitution, we do not consider. This course has met the difficulty, and we have since had a second-year course in history of from 140 to 200 men. On the basis of these two courses we have, in junior and senior years, a free elective system where we can introduce more detailed courses and where from the multiplication of courses we may feel that with fewer students we are doing our share of the work of the institution. To complete the understanding of our work at Yale, it is necessary to say that we have a somewhat similar system of majors to that described by Professor Farrand as existing at Stanford. A student does not get his degree, as there, in a particular subject, but each student is required to select two major subjects, and in the arrangement of our major work we still have that sequence of courses which we intended to carry out on a larger scale in sophomore year. A student must have had a general history course; then on the basis of that he must have had one more detailed course, and finally a third still more special course in order to complete a major in history. This may be done either in American history or in European history,

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but the courses are so grouped together that those which are counted as a major in a given case have a natural dependence one on the other. I still feel that theoretically the proper sequence of courses in European history is (1) a general history course, (2) on the basis of that a course which takes a fraction of the larger period and gives to it more detailed study, and then (3) on the basis of that a course upon a special, smaller period, still within the field of the other two, a period small enough and so arranged that the student may be able to group together and master fairly well all the material, both secondary and original, upon certain definite subjects, and be taught both the character of the problems which arise in the study of history and the method and material for their solution.

The chairman explained that in his introductory remarks he meant to have said, by way of apology for all those who were taking part in this discussion, that, judging from the letters he had received, there was not a single one of them who knew anything about the subject. Indeed, it was difficult on this account to get anyone to take part. The only persons from whom he could get any suggestions at all were either first-year graduates or those who had had but a very short experience. Others said that they knew nothing about the subject. He thought the best illustration that could be had of the desirability of discussion of this kind was just the sort of an explanation that Professor Adams had given with the frank statement of their experiences at Yale.

Prof. Andrew C. McLaughlin, of the University of Chicago, was then called upon, and responded as follows:

It was said to me, and I presume to others, that what was wanted this morning was a discussion of experience. I must confess, as I thought over the situation, I felt very hesitant about exposing my experiences before the ordinary audience. The ideals in the teaching of history have been so far-reaching that it seemed to me on the whole better to state a theoretical conclusion than to detail the somewhat mournful experiences of the practical teacher. I have been impressed in what has been said by the three speakers, with the fact that the main thesis of my paper will be that the development or the sequence must not depend on the selection of chosen fields, but upon the development of method, upon the development of the capacity of the student for handling original materials. With the risk of wearying you, because the informal statements that have been given here are undoubtedly more interesting than any written paper will be, I shall endeavor to indulge myself in reading this, a sort of prognosis, perhaps, rather than a diagnosis of present ills.

Prof. Charles D. Hazen, of Smith College, also presented a written paper, which follows:

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I wish to present certain general considerations on the subject under consideration rather than describe experiments in which I have participated.

I presuppose in my remarks that the student has had a preliminary course in history, either required by the college or by the department as a basis for future work. The question of sequence therefore is considered solely with reference to later courses.

In my opinion the only kind of sequence in historical courses worth trying to work out would be one based upon the intellectual maturity of the student. There is, of course, no nice instrument for measuring with accuracy intellectual maturity, yet the thing undoubtedly does exist. We are obliged to determine such gradations crudely in most cases. The time spent in college is generally considered a reasonable index. Mindful of exceptions, it is, however, no paradox to say that upper-class students are more mature than lower. Give consequently the more mature courses to the more mature students. Now I do not see that we can say that any given course is intrinsically more mature or less mature, of higher or lower grade. It all depends upon the intention of the instructor or department. It is not the subject or title of the course that is decisive. It is the treatment, the volume, the richness that it is proposed to give it. Whether a course in mediæval history shall be more or less exacting of intellect than one in American, depends upon circumstances over which the department has entire control. A course in the political history of the United States between 1783 and 1865 might be offered freshmen which would be below the freshman standard; and one on the same theme might be offered juniors and seniors which would tax their capacity to the utmost. I know of no subject in history, no phase or department of it, that just fits in by right of its very nature to sophomore year, to junior year, to senior year. There is no exact appropriateness in courses for given years, as far as I can discover.

Lord Acton said that the great object in trying to understand history is to get behind men and to grasp ideas. "Ideas," he said, "have a relation and development, an ancestry and posterity of their own, in which men play the part of godfathers and godmothers more than that of legitimate parents. We understand the work and place of Pascal, or Newton, or Montesquieu, or Adam Smith when we have measured the gap between the state of astronomy, of political economy, etc., before they came and after they were gone. And the progress of the science is of more use to us than the idiosyncrasy of the man. The vividness and force with which we trace the motion of history depends on the degree to which we look beyond persons and fix our gaze on things."

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The normal sequence in history courses is, I take it, through many gradations, from the purely descriptive to the explanatory and interpretative, the critical and analytical. A course fashioned along Actonian lines and offered to freshmen or sophomores would certainly offend the proprieties. But such a course would not appear so inappropriate if offered to juniors and seniors. When such an advanced course is offered, it should be open, I think, only to those capable of pursuing it. To me it seems better to exclude a student from a given advanced course, because of immaturity, rather than to exclude him because he has not had certain other courses which would make an excellent introduction.

Let the teacher of nineteenth century history exclude all but seniors from his course if he wishes to make it as advanced as the college world can stand, but do not let him require for entrance the successful completion of other courses in European history which lead up to the nineteenth century and help to explain it. The desirability of previous training is entirely obvious, but the undesirability of penalizing students for the lack of it is equally obvious. I am not speaking here of certain very detailed and highly specialized courses which are given in some of our colleges. As they are intended for the few, I think for the purposes of this discussion we need not consider them. We are talking of the larger courses which form the staple of historical instruction in most of the colleges throughout the country. Subject to the conditions already mentioned, let freedom of choice reign unobstructed within the department of history, as within the college. Let a student take his fundamental history course when he is told to. If, after that, he wishes to specialize in history he will do so, and he will do so intelligently. But he may wish to spend the next two years studying entirely along other lines. In the interest of his personal culture, of the training and tempering of his intellect, of, possibly, his very plan of life, this may be most desirable. Now, when his last year comes, however, he wishes to take another course in history, but he wishes to take an advanced one. Obviously it is to be regretted that he has not led up to this. He might do better if he had had an introductory course; but it is also entirely possible that without such preparation and with his rusty historical but possibly keen scientific mind he may still get more from the course than many who approach it with more elaborate special equipment.

I am not advocating the reduction of the standard of the work in the given course. All this has, in my opinion, nothing to do with the standard. The standard of any student is precisely what his instructor chooses to require. If the newcomer, who for two years has wandered in other fields, can not stand the pace, let him drop out or be dropped out by the familiar academic process. But let him have his chance. Do not say to him, "No, we will not permit you to

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study the French Revolution, because you have not studied the previous history of France." Keep the department wide open. Let students in anywhere, subject to the inoffensive restrictions I have mentioned. We would like to send out from our colleges as many students as possible with some historical knowledge, with a bit of an historical way of looking at things, with an animated interest in the subject. Now one student may get the fever in this course, one in that, and the fever once contracted may sweep through the system. Many a student may gain a permanent interest in the whole subject from a single advanced course, whose interest would not have been aroused by an elementary one. If he happens to be a senior so much the better; he is a brand snatched from the burning. Better save a soul in extremis than not to save it at all.

There is a wide-ranging liberality, freshness, and informality about our subject that others have not. In mathematics, in physics, in language the student is forced to proceed in a definite unalterable order toward his larger knowledge. There is no such compulsion in history. Doctors may disagree even as to the proper place for beginning to acquire historical culture and as to the proper line to follow. As history has no conspicuous dealings with logic, logic can give us no starting point—can trace no course. Are we to begin far back and advance like Gibbon with "lofty tread" down through the crowded centuries, certainly a seemly way of reaching the puzzling present, or are we to begin with the present and recede gracefully further and further back from America, through England, through the tangled Urwald of Germany, back into the very light of dawn? Both methods have their advocates. Or may we not drop in at the middle and radiate in every direction? It would certainly be interesting to know the sequence each one of us here present has followed in his attempt to appropriate historical knowledge. The revelation of the process would in many cases prove diverting, in some instructive, and in a few no doubt edifying. But I think we would all be thrown into a mellow and catholic mood wherein we would probably admit that it does not greatly matter what your sequence is, if only there be a sequence.

I am, of course, not unmindful that each age has contributed something to civilization, and that we, the heirs of all the ages, enjoy the usufruct of the vast accumulation; that to understand the present one must know the past. But practically as far as a college education is concerned one can understand the life and public services of James K. Polk or Garibaldi sufficiently without any special knowledge of those of Benvenuto Cellini or Alcibiades, nor does one need to tread the primrose path through the pages of Bishop Stubbs in order to get a valuable view and a considerable understanding of the recent political development of England.

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To conclude: With the one restriction I have mentioned of not opening courses to those not yet mature enough reasonably to pursue them, I believe that the matter of sequence in the acquisition of historical knowledge should be left in the hands of the students, with advice, if you please, from the instructors, but with power to ignore such advice. Thus the sequence may vary with every candidate for knowledge. The sequence simmers down to the volition of the student. There will be sequences normal, sequences curious, sequences perverse. But a college should be a school of independence. Predestination is no longer the vogue. Freedom of learning seems of as great advantage to students as freedom of teaching is to teachers. Leave to the individual the arrangement of his work. If he arranges it well, his will be the subjective benefit. If he arranges it ill, he will make a mistake, wherein he will share the common lot of men. Reflection and forethought may result for him and get lodged amid the realities of his life to his most enduring advantage. Let every man do what seems good in his own eyes.

Some discussion of method has been suggested as desirable, too. However, I have said enough. Method is, as far as I can gather, the process whereby we impart a maximum of knowledge with a minimum of effort by working along the line of least resistance. The implements in use are familiar—lectures, recitations, text-books, source books, reports, five-minute tests, ten-minute tests, theses, examinations. What are these but the colors of the artist? All artists have the same colors, the same palette, but no two ever use them in the same way, no two ever portray the same inner vision.

Prof. Dana C. Munro being called upon, gave the following account of the work in history at the University of Wisconsin:

I shall take up what we are actually doing; but in order to make it intelligible I must mention some of the local conditions. We have the system of majors and a bachelor thesis—that is, each student must turn out some kind of a piece of work; sometimes we accept the thesis, sometimes we give it honors, and occasionally we print it; but each student must write a thesis. Each department sets its own major, and the departments vary from twenty to forty-six out of a total of one hundred and twenty hours required for a bachelor's degree. The history major consists of twenty-six hours and the thesis, and each student must take one introductory course in European history and one introductory course in American history. As I shall say later, those are two introductory courses of different grades. The student must take at least ten hours of advanced work—that is, a student may take for the major sixteen hours of introductory work and ten hours advanced, or ten introductory and sixteen advanced; and it will depend upon his maturity and what he wants to do, which he will take. There is no course required. In fact, in

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the university the only requirement of a history course is in the course in commerce where each student has to take one course in history. Practically every student, however, takes the introductory course in American history. I have spoken of the fact that we have introductory courses of different grades. In the freshman year three courses are open: Mediæval history, English history, and ancient history. The reason the ancient history comes in is on account of local conditions. In the changes made in the scheme of study awhile ago it was arranged that no student should take more than ten semester hours in his freshman year in any one subject. Our mediæval history and English history are each six semester hours. We could not afford to let such an opportunity as that slip, so we promptly put in a four-hour course in ancient history that could be taken. We like that course because the class meets in small divisions, and the work consists largely of text-book and recitations. In the other two we have the lecture system supplemented by quizzes, etc., because we have to on account of the size of the classes. The main work of that year may be summed up along two lines. One is attempting to give them inspiration so that they will elect more history, and the other is method. First of all we try to teach the student how to read. We give them outside reading and go over it very carefully indeed, in small sections of fifteen or sixteen students. I am glad to know it is the Harvard system which we are following. And in these small sections we go over the work very carefully indeed, especially during the first few weeks. We attempt to teach them how to use a map, how to read a book, how to take lecture notes, how to take notes on outside reading, and we try to keep up that sort of thing until we hope we have succeeded with the majority of the class. Then we take up the topics, and there again our ideas are the most elementary possible. "For instance, take Tacitus: Germania, and tell what you can about the domestic animals the early Germans had, and nothing else." We require them to bring in all the cards, with their notes, preparatory to constructing a paper. Later, longer topics are given. I think I have indicated what we mean by the introductory course of the first year. The introductory course of the second year I have never given, but the main difference comes in the fact that there is much more advanced work. It is usually United States history or modern history. I do not mean to say these are necessarily taken in the second year. All the courses may be taken in any year, except the freshman, but there are B introductory courses that can not be taken by the first-year student and will probably be taken by second or third year students. In these, conferences take the place of quizzes. Very much more elaborate work is attempted in the preparation of topics, and the work as a whole is decidedly more advanced, all them introductory courses. I might say here that

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one of our difficulties is that four-fifths of our students are taking history in order to teach history in the high schools. We have just been getting together our statistics, and are somewhat depressed because we are anxious to have it not become professional work. On the other hand, we feel that professional work must be reckoned with. The advanced courses are more difficult and we even have proseminaries. We call them proseminaries so as to differentiate them from the graduate seminaries. The proseminary in mediæval history takes the form of reading a chronicle. The whole undergraduate work is concluded by a thesis, and a great deal of work is done on that thesis. What we are attempting is not a sequence of subjects, but a sequence of method. We have A introductory courses and B introductory courses. Then we take up more advanced work and goes on to the thesis. We do not care particularly what courses the students take. As a matter of fact most of our students take mediæval history and United States history during the first two years. We feel the method is the main point, and we try to get that by the constant increase in what we demand of the students.

Prof. George L. Burr, of Cornell University, spoke as follows:

Ladies and gentlemen: Like my colleagues here, if this were anything but an experience meeting, I would not talk. Of what interest even our experience can be, it is not easy for me to guess, for it has been dictated mainly by conditions peculiar to ourselves; but such as it is you shall have it. To begin with, then, we have not at Cornell any general introductory survey of history. The reason is a local one. We have a multitude of students carrying courses technical or semitechnical who are glad to take a little history as collateral to their work; and, if we should offer such a course which seemed to teach all history in a year, it is the course which they would be likely to choose. Now, we believe in such a course as an introduction to historical study, we believe in it as a crown to historical study, but we do not believe in it as a substitute for historical study. For historical study it is not; no teacher of any science would tolerate as a training in it a mere summary of its facts. The courses we have preferred as an introduction have varied with changing circumstances. Twenty years ago, when nearly all our students came to us with some preliminary knowledge of ancient history, it seemed to me wisest to offer to freshmen the history of the Middle Ages; partly because it was a subject fresh to them, partly because more of ancient history seemed an extravagance for those who had for history but small place in their university course.

Things have changed, and we have now put the history of the Middle Ages into the sophomore year, while the freshmen are given a choice between ancient history and English history. This is partly because our students now come with larger and more varied prepara-

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tion in history; but the reasons are largely personal. My younger colleague, Professor Sill, can teach ancient history better than I could, and I want such of my mediævalists as need it to have a chance to take his work first. My colleague of English history, Professor Catterall, is not only a capital teacher, but a big, hearty fellow who is everything else physically and athletically that a healthy human boy can want to be. I do not in the least believe in enticing boys into historical work by making it merely entertaining—I would not make it entertaining myself if I could (Heaven knows there is no danger)—and I am commending to you no such historical pap. I have no place in a university, I have no place on earth, for a boy who is merely growing up; a university student is an apprentice to the trade of the scholar. But I see no reason why a boy need associate his history with a querulous old proser instead of with a live man who has some blood in him. The student can be brought, too, more freely into touch with the sources in English history, and if, through lack of a classical training or of interest, he can not wisely take ancient history, he will find in English history perhaps the best introduction to the later historical courses of our curriculum. In thus arranging a succession of courses I do not think one need be guilty of that prescription which Professor McLaughlin and Professor Hazen deprecate. Without in the least restricting the choice of courses we can, it seems to me, put courses into such an order that the student who wishes to take them in chronological succession can do so. On this point I fear I am so heterodox as to be orthodox—I am sorry, I hate to be orthodox—but I still believe that, other things equal, a chronological order is a sensible order, and that it is, therefore, wise to make it a possible one. This we do at Cornell by enabling the student who has but small time for history to take his ancient and his English history (or either of them—we expect the student ordinarily to take but one) in his freshman year, his mediæval history in his sophomore year, his modern European history in his junior year, and his American history in his senior year; while, if he desire more intensive work, he can at any time after his freshman year enter on the more special courses given in these fields. I think we all agree that the essential thing for him to gain, whether his study of history be much or little, is not a mere knowledge of facts, in whatever order, but historical spirit, by which I mean, of course, not historical method, but historical imagination, historical sympathy, historical insight, historical judgment. These are the powers to be quickened in him, and any method which will give him these is better than any other which will only puff him up with knowledge.

On one point I must dare to disagree with a man from whom I seldom venture to dissent—Lord Acton. From Lord Acton, backed by Professor Hazen, I would not think of daring to dissent did not

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the concreteness and vitality of all Professor Hazen said convince me that he does not really believe it himself—that dictum he quoted from Lord Acton about getting behind men and grasping ideas. At Cornell our freshmen come to us chock full of ideas. They are eager for any cheap and easy solution of history which will save them the trouble of studying men. If I could teach history as I wish I would teach them to get behind ideas and grasp men. For the ultimate problem of history is men—men singly, men in groups. And it is for the sake of bringing the student face to face with this, the most vital, the most obscure, the most difficult, the most ennobling of all subjects of study, that I would as soon as possible free him from all thought of courses that he may devote himself to—history.

Prof. Theodore C. Smith, of Williams, made an effective plea for the needs of the college as distinguished from the university in the teaching of history:

It seems to me that there is something to be said in behalf of an institution where the local conditions are absolutely unlike almost any that have been referred to this afternoon. It is to be observed that almost all the speakers have been speaking of a sequence of courses in universities or other institutions where the students are almost all to be regarded as extremely docile in their subjects, as probably intending to use them for some later purpose of teaching and possible candidates for historiography later on. Now, there is such a thing as a small college, in which those conditions are wholly reversed. Take such a case as my own college—Williams College. A very small number only of the students in that institution ever expect to teach history or have the slightest interest in the subject of historical research per se. I doubt very much if, under any circumstances, Williams will develop many men into teachers of history. The reason is to be found in the kind of students who come to that college. It is one of the New England colleges where the children of graduates return and keep the apostolic succession running on. They go there not for the purpose of preparing themselves for anything to which that college specifically leads. They enter the law and business. They are there for that preposterous thing, an education of the old-fashioned kind aiming to develop culture. That being the case, those students have not time and are not prepared to have any interest in methodology as such, consequently we are not able to frame our courses with a view to laissez faire and the choice of advanced courses by a student desirous of learning all he can about historical method. What, on the whole, is it advisable that the student of the small college like that should study in history? Primarily modern history. If there is anything which a young man should take from college in an informational line, it is some knowledge of recent history and existing institutions. Accordingly

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much the greater part of our emphasis in Williams College is thrown upon modern history. How can we arrange that? We arrange it by making a considerable change in the introductory course commonly found in almost all colleges. We take our students in the sophomore year and carry them in the first semester in four hours a week as far as the fifteenth century. Then in the second semester we carry them from 1450 to the Treaty of Utrecht, including not merely the history of western Europe, but also English history, politically speaking, and American colonial history, treating them all as parts of one universal history. That being the case, we are then able to offer subsequent parallel courses in American, English, and modern European history. We offer nothing in mediæval history except that first introductory half year. If we were in a university we should. Being in a college, with entirely other purposes, we are obliged to concentrate on modern history, and consequently most of the instruction in the college is given on the period from 1713 on. You must not think we neglect the possible desire for some few men for advanced work, for we do have a proseminary, although it never under any circumstances draws more than a few students. As to methods, we employ the usual ones, but we can not regard our students as in any way likely to work into history as a profession. That local condition dominates the whole method of instruction there, and the whole sequence of courses. It forces us to regard history as to a considerable extent an information subject, makes us consider our method not that of textual criticism or as dealing with sources in a large way, but rather as a training how to regard history. I don't suppose there is any one of us who would not prefer to give history in the large easy way which it is evidently given at Smith. We can't do it. I don't know any way in which our men can be transformed into a different kind of students. One who, like myself, has taught at a western institution realizes the chasm between the ordinary student in the western State university and the smaller college in New England. In western State universities four times out of five the student in history expects to teach. In the eastern institutions, and especially in a small one like Williams, no such notion exists outside of a very small number, a negligible quantity. They only use history as a means of getting through college and of getting some information which may be useful. Consequently history as a culture subject must have a regard for sequence and for emphasis, which you more fortunate gentlemen are not obliged to consider.

Prof. Charles H. Haskins, of Harvard, spoke briefly in favor of a chronological sequence of courses, which students generally follow of their own accord:

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I should like to state a bit of experience on one point which was brought out principally by what Professor Burr has just said. I believe entirely in what has been said as to sequence of men and method, but I see no reason why we should disregard the sequence of chronology. If history is a sequence of events, why should we vary it? Is it not possible to adjust our sequence of men and methods somewhat to the sequence of historical order? Now that that may be done—that the students will on the whole attempt to do that themselves if you leave them free—I think the experience of our electives at Harvard shows. In other words, let us leave the students free to do what they will ordinarily do, and that is to follow the chronological order if we give them a fair chance.

There are many other points one might discuss with reference to this. I agree largely with most of the things that have been said about the matter after all being a matter of method; yet I still feel we can say one or two things about the specific subjects. Now the real reason why we introduced into American colleges this general course of European history is because students did not bring it to college with them. The European university instruction in history is built upon a substantial course in general history in the secondary school. We have been building our courses without regard to what men bring with them. Ordinarily this is very little. Now we are face to face with the problem of a number of students coming to college with from three to four years' work in schools, which has given them a fairly substantial idea of the history of the world. That is a new situation, and one that is growing more serious in many colleges and is making a serious difficulty because of the difference of preparation our students bring to us. We must bear both of these things in mind, and it seems that at present the best compromise is obtained by a course in mediæval history, which covers ground not generally covered, or at least not well covered, in school, and at the same time prepares for later work.

May I make one other statement about Mr. Stephens's remark? I should agree with half of it, but I see no reason why the most experienced men could not also give the most advanced courses. The intermediate courses can well be given by the younger men. I think the experience of German universities has shown that for years, and the experience of a number of American universities shows just the same thing.

Prof. Herbert D. Foster gave the following interesting account of cooperative teaching at Dartmouth:

From experience at Dartmouth, I should like to suggest a single point in connection with aiding a student in determining his own sequence of courses. This is the plan of helping the student to find out the facts as to his later electives by means of cooperation of all instructors in the introductory course. Into this introductory

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course (European history 375–1789) the whole force of the department is put. Every instructor in the department gives lectures to all the students, holds quiz sections, and supervises some of the written work of every student in his sections; and we so distribute the students in the sections that every student, so far as possible, shall be in the recitation section of at least two instructors. The student thus learns the characteristics of various instructors, and is therefore better prepared for determining the personal element in the sequence of his courses.

Cooperation has, of course, other advantages. It has with us proved so satisfactory that we have ventured to offer on the Italian Renaissance a course given by members of the departments of history, economics, archæology, fine arts, ancient and modern languages, and natural sciences, intended to bring out the wider range and close interrelation of its varied manifestations and the far-reaching results of that era. It also serves to indicate the way in which members of the faculty not of the historical department look at historical questions. We find it has been rather stimulating to the instructors who have given the course, as well as to the students. The first time we had about twelve instructors and fourteen students in the course. The number of students doubled the second time the course was given. We find that the different points of view lead students to discuss such a course as that a great deal.

From the point of view of choice of later courses our experience has shown it is somewhat of an advantage to the student if in his introductory course he can come under the lectures and personal direction of all the men in the department so that he is able then to select his sequence to better advantage. He may and generally does select a chronological sequence. The general selection of courses seems to be in pretty fair accord with what seems the general drift of this discussion. After the introductory course in European history probably about one-fourth of the 285 men elect a course in American history if they select only one other course. If they select two more courses they usually take English history, followed by American history; but they may choose other courses in European history. We do not restrict them. We do advise them. At the end of the introductory course we give a general statement as to later courses. Every instructor in the department then has special office hours in which he advises individual students as to sequence in accordance with the needs of the student and the necessities of the schedule. The schedule, with its troublesome conflicts of courses, is an important factor which hardly seems to have been recognized in this discussion. The student must take what he can at certain hours. After all we must get back to the point of view of the individual student. After giving him a good introductory course, letting him know the personal and other factors in the courses, and giving him such good advice as he

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will come and seek, we can then let him choose his own sequence of courses.

Prof. Albert B. White gave the following as their experience at the University of Minnesota:

There is one matter of sequence that we have been insisting upon for fifteen years, the one we insist upon with the greatest rigidity; and we have become pretty thoroughly convinced of its utility, at least for us. Every student who goes into any department of American history must have taken a course in English history, and one where the emphasis is very distinctly on the institutional side. We, as at the University of California, give our freshmen and sophomores Adams and Stephens, as we believe in the use of documents for these years, and believe we can get it in English institutional history better than in any other field, and we believe that whatever else they forget in that course they do not very readily forget the use of that book. We are also face to face with the problem Professor Haskins has spoken of, the great inequality of preparation. Some of our students have had three or four years of preparation in the high school and some very little. We found it necessary three years ago to adjust our introductory courses to meet these conditions, and our first course, as we call it, is for those who have had less than two years in the high school, is on European history, and covers the period from the beginning of the Roman Empire to 1500. I may say that we are rather afraid of a course covering any longer period. This course opens to the higher courses in European history. For those who have had two or more years of history in the high schools we have the course in English institutional history, and those who have taken that are allowed to go into American history or into the higher courses in European history.

Professor Adams, after apologizing for speaking a second time, said:

It seems to me there is one rather important piece of coordination to be done this morning which may help us in defining a little more clearly what we have before us, and that is to bring Professor Hazen's paper into line with the rest of the discussion. It seems to me that the demand which I referred to in what I had to say before, and which Professor Smith has referred to, which we feel in all eastern institutions, the demand on the part of the student body for general introductory courses, is a legitimate demand from the class of students we have, and one which the history departments of the larger universities are bound to meet. I think it is incumbent upon us to furnish a succession of at least three, and perhaps four, general introductory courses, one in general European history, perhaps, one in English history, one in American history, and one in nineteenth century history. These seem to me to be the most proper courses. Now, to courses of this type Professor Hazen's argument applies; the

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matter of sequence is a matter of comparative indifference. The chronological sequence is perhaps better than any other if we can make it, but sequence in general is a matter of indifference, and I think we also make a mistake in these courses if we insist that students shall have had certain other courses before taking them up. Where we have an arrangement of A, B, and C courses, as at Wisconsin and Yale, courses of this general type should be called A courses, or at most B courses, depending upon the degree of maturity required for taking them; they should not be reckoned as courses of a C grade—that is, courses which enable a student to make his major in work of that kind. It is easily possible to distinguish between courses which are of this sort and courses which are of the more special type in which our object is to introduce students into the method of historical work, the point of view of the historical scholar, and to give him a little practice in the use of evidence. There A, B, and C sequence ought to be followed rigidly, and the student who is doing that kind of work and is making his major in history ought not to be allowed to depart from the sequence which we lay down as best fitted to produce those results. It seems to me clear we can make this distinction in our work in the larger universities, and that it is one of great importance and value.

In closing the conference the chairman expressed his sense of personal obligation to those who had taken part in the discussion, because he had taken great comfort from the statements of the different speakers as to the problems they found confronting them in their own institutions, and as to the difficulties of solving them. Nowhere had complete success been achieved. At first there seemed to be a great difference of opinion upon the subject of the conference, but as the discussion proceeded certain points seemed to come out more and more clearly. It seemed to be generally agreed that there could be no fixed order of courses in history; that a chronological sequence was natural and desirable; but that the training was more important than any particular body of facts; and that the sequence of courses must be determined largely by local conditions, which would include the personality of instructors, the character of the students, and the particular ends to be achieved. The chairman could not agree with Professor Smith that the problem of the small college differed so greatly from that of the larger university. If it was recognized that the group of historical studies, including economics, political and social sciences, is becoming, indeed in some institutions already has become, the center of the academic work, that the training and development that comes from these historical studies is the most important in the life of the student, then we are striving for the same results in the college as in the university. The work is necessarily limited in the small college by the smaller force of instructors, it is modified by the personality of the teachers and by other local conditions, but the purpose after all is the same.

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VII.—THIRD REPORT OF THE CONFERENCE OF STATE AND LOCAL HISTORICAL SOCIETIES.

By FRANK HAYWARD SEVERANCE,

Buffalo Historical Society, Secretary of the Conference.

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THIRD REPORT OF THE CONFERENCE OF STATE AND LOCAL HISTORICAL SOCIETIES.

By FRANK H. SEVERANCE, *Secretary of the Conference.*

Some 80 persons gathered in Manning Hall, Brown University, Providence, R. I., on the morning of Friday, December 28, 1906, for the third annual conference of delegates from State and local historical societies. Those who recalled the preceding conferences, at Chicago in 1904 and at Baltimore in 1905, were gratified to note the increase of participation and of interest. Prof. Benjamin F. Shambaugh, representing the State Historical Society of Iowa, presided. The secretary of the conference, Mr. Frank H. Severance, of the Buffalo (N. Y.) Historical Society, being prevented by illness from attending, Mr. Albert Cook Myers, of Philadelphia, secretary of the Pennsylvania History Club, was called on to act as secretary pro tempore.

Chairman Shambaugh in welcoming the delegates, alluded to the previous conferences and the problems which had received attention, then directed attention to the following programme:

ON THE PROBLEMS OF STATE AND LOCAL HISTORICAL SOCIETIES.

I. Problems Relative to the Care and Preservation of Public Archives:
   - (*a*) The Work of the Public Archives Commission, H. V. Ames, professor in the University of Pennsylvania and chairman of the commission.
   - (*b*) The Public Archives of Virginia, John P. Kennedy, State librarian, Richmond, Va.
   - (*c*) The Public Archives of Pennsylvania, Luther R. Kelker, custodian of public records, Harrisburg, Pa.
   - (*d*) Some Points in Connection with the Work of the Public Archives of Iowa, John C. Parish, State University of Iowa.

II. The Marking of Historic Sites:
   - (*a*) The Marking of Historic Sites in America, Henry E. Bourne, professor in Western Reserve University.
   - (*b*) The Marking of Historic Sites on the Niagara Frontier, Frank H. Severance, Buffalo Historical Society.
   - (*c*) Marking the Santa Fé Trail, George W. Martin, Kansas State Historical Society.

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Prof. Herman V. Ames, chairman of the Public Archives Commission, gave a most interesting review of the work of that body. A summary of his remarks follows:

THE WORK OF THE PUBLIC ARCHIVES COMMISSION.

(Summary of the remarks of Prof. Herman V. Ames, chairman of the Commission.)

Some years ago the Public Archives Commission was established by the American Historical Association as an outgrowth of the work of the Historical Manuscript Commission. Reference to the first report of the Commission will show that it was early decided that the Commission should direct its attention "to an examination of documentary material of a public or governmental nature, leaving to the Historical Manuscript Commission to continue to deal with the collection of historical material of an essentially personal character, whether in public repositories or in private hands."

From the first the Public Archives Commission has been careful not to attempt to duplicate the work of any existing agency, nor has it undertaken the publication of archives, but it has devoted its attention chiefly to an investigation into the character, content, condition, and availability of the public records of the State, and to a limited extent to the local archives. In pursuing this programme two ends were kept in view, first by means of the publication of reports giving the results of the investigations to contribute to the positive information in regard to the archives material, and secondly, and probably of greater importance, the presentation of data in regard to the actual condition of the archives and the methods or lack of methods of caring for them, in the hope of arousing proper action by the States and local communities concerned, and which in general would lead to "a more rational and scientific treatment of documentary material" throughout the country.

To aid the Commission in this large undertaking, adjunct and associate members were appointed from time to time in the different parts of the country, until to-day the Commission has its representatives in more than three-fourths of the States. In only three States east of the Mississippi River has it been unrepresented, and in six of the newer States of the Northwest and Rocky Mountain region, where the records are not as yet numerous.

A part of the results of the work of its representatives has been published. In the first annual report for the year 1900, a volume of over 300 pages, the results of the examination of the archives in ten States were recorded. The most of these papers were of a preliminary nature. More detailed reports, however, were presented from several, but two-thirds of the volume consisted of the report upon

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the archives of New York, State and city, and some other local divisions, by Professor Osgood and his collaborators. This report has served as the model ever since. The work of investigation has been pursued along the same general lines in the years which have followed. In the six published volumes from 1900 to 1905 there appeared thirty-one reports from twenty-three different States, comprising some 1,000 pages in the Association reports. Including the seven reports, which may be expected in the volume for 1906, a total of thirty-eight reports on the archives of twenty-seven different States will be the record for the seven years of the Commission's existence. Naturally many of these have been brief and of a preliminary nature. In the case of eight States two or more reports have been presented. In some cases reports have covered both manuscript and printed archives, although the most have dealt primarily with the former, as the least well known. In addition to the New York report, referred to above, there have been some twelve other reports of a comprehensive character. Of these may be mentioned the reports on the State and local archives of Rhode Island; the State and local archives of Connecticut; the State archives of New Jersey; the State and local archives of Pennsylvania and the city and county of Philadelphia; State archives of Virginia; State archives of North Carolina; State and county archives of Georgia; State and local archives of Alabama; State and local archives of Tennessee; the recently discovered eighteenth century French records of Illinois; the State archives of Wisconsin and of Colorado.

To carefully catalogue the enormous mass of material found in some of the States has been beyond the power and resources of the Commission. When we consider the time and labor necessary to compile the report mentioned above, and also that the work has been done entirely without remuneration by busy men in the odd time they could take from their other arduous duties, the Commission believes that this showing is highly creditable to the zeal, self-sacrifice, and earnestness of the adjunct and associate members.

In addition to a description of the character and contents of the archives most of the reports show that at some period in the history of each State the public records have been shamefully neglected, and that in the majority of instances there is still no adequate system for the care of the archives. To repeat a statement from the Commission's first report, "it may be doubted if in any country in the world archives of relatively so much value are so lightly regarded or so carelessly kept." Several examples were given to illustrate the truth of this statement.

The results that the Commission stated in their first report it was hoped might be attained, we believe have been to a considerable degree realized as a result of these investigations and published reports.

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First, the body of information in regard to the archives has been greatly enlarged; but, secondly, by calling public attention to the neglected condition of the archives, legislation for the more adequate care of the State archives has been prompted.

While it is difficult to estimate the indirect influence exerted by the Commission, it is a fact that much greater attention has been paid to archives matters and more intelligent legislation has been taken within recent years than ever before. Most of this can be traced either directly or indirectly to the influence of the Commission.

A partial summary of the most notable recent archives legislation, arranged chronologically, follows:

Alabama: Act of February 27, 1901, establishing the Department of Archives and History.

Mississippi: Act of February 26, 1902, establishing the Department of Archives and History.

Pennsylvania: Act of April 15, 1903, establishing a Division of Public Records and an Advisory Commission of Public Records.

Illinois: Act of May 16, 1903, the State Historical Society was made a department of the State Library, with certain powers of examining and reporting on local records.

Maryland: Act of April 7, 1904, establishing a Public Record Commission.

South Carolina: Act of February 20, 1905, reorganizing the Historical Commission.

West Virginia: Act of February 21, 1905, establishing a Bureau of History and Archives.

Kansas: Act of March 4, 1905, providing that any State or county officer may turn over to the Kansas Historical Society certain classes of records.

Delaware: Act of March 16, 1905, establishing a Division of Public Records, to be composed of a commission of six members.

Arkansas: Act of April 27, 1905, creating a History Commission.

Iowa: Act of April 10, 1906, providing for the care and permanent preservation of the public archives in a Hall of Public Archives.

For the care and supervision of the local archives less has been accomplished. The condition of the local records, however, is in general much worse than that of the State archives proper, and the need of reform is therefore correspondingly greater and the more urgent. Examples of the neglected condition were drawn by the speaker from the various reports and observations of the Commission. The State of Massachusetts was the first to recognize the necessity of the supervision of the local records. In 1884, the office of Commissioner of Public Records was temporarily established, but made permanent in 1892. Rhode Island followed, establishing the office of State Record

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Commissioner in 1896; and Connecticut, in 1903, established the office of the Temporary Examiner of Public Records, which office has been continued since.

In Massachusetts, under authority of acts of the legislature, the commissioner has discovered, and recovered from private hands, many valuable documents and record books. Old and decaying records have been repaired. Towns have been led to provide proper offices and safes for the town clerks, and where possible, to install fireproof vaults. Legislation has been secured requiring the use of the best materials for the keeping of the records, such as ink, paper, and similar articles. The result of the establishment of this office in these three States has been to give greater security to the preservation and permanence to all the records.

In 1903, our representative in Rhode Island reported "that there were only one or two towns without some sort of fireproof receptacles for the records, and there seems to be a growing desire on the part of town councils to provide more safe and ample accommodations for the records of their respective towns."

Outside of these three New England States there seems to be no supervision or adequate provision for the enforcement of the laws in regard to the preservation of the local records. The county records in most of the States are believed to be as much in need of supervision as were those of the New England towns. A general campaign for extending some method of supervision of the local records should be inaugurated.

The two additional phases of the Commission's activities were briefly treated, namely, the work of selecting and arranging the copying of documents relating to American history in England for the Library of Congress, and the preparation of a bibliography of the printed official material of the thirteen original States for the colonial period and the State period to 1789.

Mr. John P. Kennedy, State librarian, Richmond, Va., who was to have read a paper on "The Public Archives of Virginia," was unable, on account of illness, to be present. His place on the programme was filled by Mr. William Clayton Torrence, head of the Division of Bibliography in the State Library of Virginia, who presented the following paper:

THE PUBLIC ARCHIVES OF VIRGINIA.

By Wm. Clayton Torrence.

We hear much these days about the dreadful condition of the Virginia records. But we can not repair in a day, nor a year, perhaps not in many years, the loss which has year by year increased by the disappearance of valuable documents.

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The ravages of time and war have left us little in comparison with the valuable stores extant some fifty years ago. We Southern people cared little for the critical study of our history until perhaps some twenty years ago; and until this time I think we never fully realized the priceless value of our records.

It is not, however, altogether owing to a lack of interest in our past that our manuscript treasures have not been better cared for—it is owing more to a lack of means.

It took the Southern people some time to recover from the losses incurred by the war. There were for many years other things which required the attention and financial assistance of the legislature and the people at large, more than the records.

The few faded documents that remained after the marching and countermarching of armies who destroyed indiscriminately, were bundled up and put away, while the remaining local records were piled up in county court-houses and left to the tender mercies of dust, and in many instances the elements.

But with all our love for the past and our reverence of our heritages, the careful student of the past and present conditions of our records is compelled to admit that pressure from without has done as much as anything else to spur us on and to force us, now that we are able, to bring to light and properly care for our public archives.

Great interest has been aroused in Virginia by the repeated requests from students for historical material. The State government is doing all it possibly can to aid in preserving and making accessible our archives. In not a few instances the boards of supervisors (the boards in whose control is the management of county affairs) have gone carefully into the matter of the care and preservation of their local archives and in many instances have caused the records of their respective counties to be entirely overhauled, resewed, rebound, and covered in heavy canvas. The great amount of good that has been accomplished, however, is not a circumstance to that which must be accomplished, and that within a very short time, comparatively speaking, if we desire to keep what records we now have.

The general archives are very well cared for; but the county or local archives must be preserved, for in them there is an almost inexhaustible amount of material for social history, without which the historian of Virginia's colonial social life will be at an inestimable loss.

You will be interested, no doubt, in knowing something of the contents of our two principal record depositories in Richmond, and of the steps that have been taken to insure their preservation.

You will also, no doubt, be glad to hear a brief statement of the condition of our local or county archives, for the preservation of which we have fought so hard in Virginia.

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The time which you have so kindly given me in this programme will not permit my going into a detailed account of our rich manuscript stores and the plans arranged for making them accessible to students throughout the country by means of calendars, indexes, etc.

I shall attempt, however, to outline briefly the contents of our collections and the work which is at present being carried on in the departments where they are kept.

No doubt the greatest loss of records ever sustained by any Commonwealth was that of Virginia in the burning of the old building in the Capitol Square occupied by the general courts and clerks' offices, which was totally destroyed with its valuable stores of historical manuscripts in the Richmond conflagration of April 3, 1865. "In the general court-house was a great collection of ancient records, apparently gathered from various places," says W. G. Stanard, in his account of "The Virginia archives," in the annual report of the American Historical Association for 1903. "Only a few relics of this most valuable collection survived." The few remaining manuscripts are now in the Virginia Historical Society in Richmond and the Library of Congress in Washington city.

In addition to the records of a general nature that were destroyed in the burning of the general court-house, the records of several counties, sent there for safe-keeping during the war, were also destroyed.

In the city of Richmond, the capital of Virginia, there are three repositories of records: The Virginia Historical Society, the State Library, and the Land Office.

The Historical Society, in addition to the general court records which it has, has also numerous letters, notebooks, land grants, etc. The manuscript collection of the society has been well indexed and the index published.

In the office of the Register of the Land Office (which is the official title of this State department) there is a most valuable collection of patent and grant books, three hundred or more in number, from 1623 to date.

The student of immigration will find here the richest material for his work. Not only does he see men and women coming into the colony, but he sees them separating and dividing, forming themselves into communities, advancing on the wilderness, and, in turn, importing others to become inhabitants of the colony. Here are the land records of that great territory between the headwaters of the Rappahannock and Potomac rivers, known in the history of Virginia as the Northern Neck—the property of, first, Culpeper, then Fairfax.

In addition to the records of patents, there are in this office several thousand land-bounty warrants issued by the royal govern-

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ments to the soldiers in the French and Indian wars, and by the Commonwealth to her soldiers in the war for American Independence.

Some years ago there were turned over to the State Library a number of bound manuscript volumes, including journals of the Colonial Council, the Council of the Commonwealth, the House of Burgesses, the House of Delegates, the Senate, letter books of governors, revolutionary records (account books, lists of soldiers and sailors, record books of the committees of correspondence and safety, quartermasters' receipts, accounts of the public store at Williamsburg), the Illinois papers and the Sainsbury, Winder, MacDonald, and De Jarnette abstracts, and copies of documents in the British Public Record Office relative to Virginia's colonial history. In addition to these manuscript volumes, there are in the neighborhood of 200,000 single manuscripts, including executive and legislative papers for the colonial and Commonwealth periods, Revolutionary land-bounty warrants and claims, the papers of the Peirpont government, and the "John Brown Papers."

These manuscript volumes and loose papers were originally in the offices of the secretary of the Commonwealth and the clerk of the House of Delegates.

In the State Library, in addition to the manuscript volumes above referred to, there are 40 volumes of transcripts of the seventeenth century records (court orders, wills, deeds, and guardians' accounts) of the counties of York, old Rappahannock, Essex, Richmond, Henrico, Surry, and Elizabeth City. The possession of these valuable transcripts was made possible by an appropriation of $5,000 made by the Virginia assembly and judiciously expended by men familiar with the condition of the county archives.

It may well be asked what Virginia is doing toward arranging, classifying, and publishing her valuable manuscript material.

The Virginia assembly in 1872 and 1873 authorized the publication of certain of these papers, and the result was the Calendar of Virginia State Papers, edited by Dr. William P. Palmer and others. This publication contains a large majority of the papers in the collection known as "Executive Papers," and embraces documents from the year 1650 down to a late date in the nineteenth century.

The editors of the Virginia Historical Magazine (Mr. Bruce and Mr. Stanard) have both taken a deep interest in the manuscripts in the Virginia State Library, and have published many of them in the Virginia Magazine of History and Biography (which we in Virginia familiarly speak of as the Virginia Historical Magazine).

Doubtless, nowhere will there be found so many interesting and valuable documents relative to Virginia history in one publication as in our Virginia Historical Magazine. We are certainly greatly

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indebted to both Mr. Bruce and his successor, Mr. Stanard, for their unabating interest in our Virginia documents.

Some years ago, by virtue of an act of assembly appropriating $1,000 for that purpose, the secretary of the Commonwealth, Hon. D. Q. Eggleston, appointed Thomas G. Nimmo, esq., of Petersburg, to arrange and index the records in the State library, and to the untiring efforts of this scholar and gentleman we are indebted for the present arrangement of the loose manuscripts in the library. Before his work was finished this gentleman went to his last rest, followed by the heartfelt thanks and appreciation of all who are interested in the welfare of our records.

In 1905 the first volume of the Journals of the House of Burgesses, 1773–1776, was published by the library board, edited by Mr. John P. Kennedy, the State librarian. Since then two other volumes, 1770–1772, and 1766–1769 of the journals have been issued.

This series marks the beginning of the great work planned by the new régime, and when completed will prove of inestimable value to students.

By virtue of an article of the new constitution of Virginia, which went into effect the 1st of July, 1902, the care of the State library was committed to a board of directors. These gentlemen take a deep interest in all matters pertaining to the welfare of the institution, and especially the preservation of the records of which they are the custodians.

They were successful in getting from the last legislature an additional appropriation for $5,400 for "additional clerical work in the State library." Two thousand four hundred dollars of this amount was devoted to the creation of the Department of Archives and History and Bibliography.

The Hon. Armistead C. Gordon, of Staunton, Va., chairman of the library board, is the man to whom students of Virginia history will ever owe a debt of gratitude for his untiring efforts to establish a department of archives, and thereby better preserve the records of the colony and State, and make them accessible to students by means of calendars and indices.

By virtue of an order of the library board the Department of Archives and History was created, and on the 15th of March, 1906, Dr. Hamilton James Eckenrode, of Fredericksburg, took charge of the department as its first chief.

After carefully investigating the collection in the library, Doctor Eckenrode decided that it was best to file and calendar the legislative petitions. There are not less than 20,000 of these documents, covering a period of ninety-one years, 1774 to 1865.

Work on this collection of papers has been started and within the next few years we may hope for a complete calendar of their contents.

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It is too early yet to say anything, or express any hope, for the appearance of "guides" to the other records of the department. Patience and care and time are required for such work. We must exert like patience in our waiting. We will be satisfied, I am certain, with the results, for no man in Virginia is better qualified for the undertaking than he to whom it has been entrusted.

There are three State offices in which there is documentary material never yet investigated. The records of the office of the secretary of state, the auditor's office, and the supreme court of appeals have never been investigated by students. It is impossible to state at this time just exactly the extent and value of this material. It is unindexed. In the course of time it is hoped we may be able to make it accessible to students.

In a man's experience there is always some one thing in which he is more interested than in others; there is always an object looming larger in his "mind's eye" than all others; and to this object he attaches greater importance than to any other. The pursuit of this object is always of greater interest and the satisfaction of familiarity with it is a never-ending source of pleasure to the man whose mind is imbued with the idea of its great importance and whose heart delights more in an intimate association with it than with all things else in life.

The lives of men as men; as human beings subject to temptation, to vice, to the thousand and one weaknesses to which men are subject; as human beings possessing ambition, the will to do, and sufficient virtues to balance their vices—these everyday lives of men—their relations with their fellow-men; their transactions; their progress, spiritually and materially, will ever remain to me the most intensely interesting, the most absorbing study of my life.

I began in my early days to look for sources from which I might gain a more detailed account of men's lives, more especially the lives of men who came early to this colony, and of their sons and grandsons and great-grandsons whose privilege it was to fight the early battles with the wilderness and make our great and glorious Virginia of the colonial epoch.

Since I was a boy in knickerbockers I have been frequenting the offices of county court clerks. Simultaneously with the dawn of the love of history, there came the knowledge that I should do best if I took the priceless old volumes of local records and studied them minutely and carefully; that I should gain eventually a sounder knowledge of the life of my people by starting on so firm a basis. If I should exhibit a boyish enthusiasm in what I have to say of the county archives of Virginia, you will pardon it; for I have never recovered from my first love, and I trust that the period of separation

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from "her" will soon draw to a close, and that I may return to the pleasant confines of her habitation and dwell forevermore.

One hardly realizes the great value of the scattered local records of Virginia until he has carefully investigated their contents page by page. They are indispensable to the student of the practical side of colonial life; they present to him more clearly the hard facts of existence which confronted the pioneers in the wilderness; here he sees the life of the people, and nowhere else may he find the atmosphere in which our forefathers lived and moved and in which this American republic was first conceived.

In 1634 the colony of Virginia was divided into eight shires, or counties. Some time before this, when the settlers commenced to scatter over the known part of the country, local courts were established by the authorities for the administration of justice between man and man, "the punishment of wickedness and vice" (pardon the liturgical phraseology), an attempt at least at "the maintenance of true religion (as our ancestors seemed veritably to believe the Episcopal and English national faith) and virtue," for the probate of wills, administering of intestates' estates, the care of orphans, and the administration of local affairs.

These powers of these local courts (first known as monthly, afterwards county courts, first presided over by commissioners whose title was later changed to that of justice of the peace) were regulated by statute. A strict injunction given in one of the earliest extant commissions appointing officers of these courts is to keep the records of their proceedings.

Only here and there do we find records of the proceedings of the local courts prior to 1634. From 1634 on, however, we have many records of the local courts. The ravages of time and war, the lack of means and the carelessness of county court clerks, the lack of interest generally among county authorities—these are the reasons that our volumes of priceless local records have suffered so.

In Virginia there are one hundred counties. Twenty-three of these were organized in the seventeenth century; they are the counties farthest to the east and along the James River, Chesapeake Bay, York, Rappahannock, and Potomac rivers.

During the latter part of the seventeenth and the early part of the eighteenth centuries the population began to spread. First they kept to the watercourses, but it was not long before they started inward, and in a remarkably short time the wilderness was being fast made the abode of the civilized white man.

They are the records of these county courts that are so valuable to the student of local institutions. These are the records which repeated efforts have been made, by a small band in Virginia who know their value, to preserve.

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Of the twenty-three counties of seventeenth century organization, the records of Gloucester, James City, Warwick, King and Queen, New Kent, and Nansemond have been entirely destroyed. In Charles City County no records for the seventeenth century remain; in Elizabeth City there are no records prior to 1694; in Henrico prior to 1677. There are several volumes missing from the Middlesex record, which begin in 1675. In Northumberland County the wills and deeds from 1694 to 1710 were destroyed by fire numbers of years ago; otherwise the records here are complete. It is impossible to follow with any degree of certainty the history of Stafford County in her records as there are so many large gaps. The records of Lancaster, Richmond, Westmoreland, Northumberland, and Middlesex counties need immediate attention.

The records of Henrico, Essex (including Old Rappahannock), York, Accomac, Northampton, and Isle of Wight are well kept.

The greatest danger to the remaining local records of the seventeenth century is from fire. The majority of the court-houses in Virginia are by no means fireproof; and if fire once gets started in these records they are gone.

I am happy to say the reports from the counties of eighteenth century formation are more encouraging.

Of course there are also some of these counties in which the records prior to 1860 are entirely gone. Hanover, Buckingham, Prince George, Fairfax, Prince William, Culpeper, Albemarle, Louisa, and Spottsylvania counties have suffered more or less from the vandalism of Federal soldiers. It is gratifying though to know that the remaining records of the eighteenth century counties are comparatively well kept. Many of the volumes have been rebound and neatly covered with canvas and are kept for the most part in fireproof vaults.

The work done within the last three or four years in the counties of Spottsylvania, Louisa, Albemarle, Culpeper, Fauquier, Frederick, Augusta, Charlotte, and Orange, as well as in many others, speaks well for the awakening interest in and appreciation of the value of the local archives.

There will have to be a very strong fight made before long for the preservation of the county archives in those counties where the boards of supervisors seem unwilling to appropriate the necessary funds for the work. It is probable that the judges of the circuits in which these counties are located will have to be appealed to from the decision of the supervisors.

In order to make these local archives accessible it will be necessary to have them transcribed and the transcripts brought to Richmond. These records are now scattered all over the State, many of them in court-houses too remote from either steam or boat lines for

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students to reach with any degree of comfort or convenience. A great deal of time is often consumed simply in getting to them.

There are great barriers to this last plan. The fight will have to be made however; we can only hope that we will win. The end in view is certainly worth trying for.

It has been a great pleasure to me to talk to you on the subject of our general and local archives. I trust that I have been able to give you some idea of the condition of the records in Virginia; and that you, like myself, feel encouraged for their future.

Mr. Luther R. Kelker, custodian of public records of Pennsylvania, read the following paper:

THE DIVISION OF PUBLIC RECORDS, PENNSYLVANIA STATE LIBRARY.

By Luther R. Kelker.

An act of the assembly, approved by Governor Pennypacker, April 14, 1903, created and authorized the organization of the Division of Public Records in connection with the Pennsylvania State Library.

Appointed June 1, immediately thereafter I visited the manuscript departments of the State Library at Albany, N. Y., under the care of Mr. Van Laer; that of the Lenox Library, in New York City, under the management of Mr. Eames; the Historical Society of Pennsylvania, under the supervision of Doctor Jordan; and of the Congressional Library, under the management of Hon. Worthington C. Ford. My purpose was to examine thoroughly into their various methods of repairing, classifying, and cataloguing documents, all of which was embodied in a report made to the State librarian, on my return, and published by him in his report of 1903.

The next thing in order was to find a place to work. The only available spot was a basement room in the southern end of the library building. It was cleared of its contents, a granolithic pavement laid over the old asphalt floor, and the walls and ceiling painted a flat white. The room was approximately 35 by 50 feet, with a ceiling 9 feet high, and lighted by 11 windows. Steel cases were then designed and submitted to the commissioners of public grounds and buildings. The plans met their approval and the cases were ordered; but, owing to some labor trouble at the factory, the last case was not set up until Saturday, October 10. The following Monday the colored janitor and myself began the unpacking of forty boxes of manuscripts found in the basement and attic of the Pennsylvania State Library. These boxes were of all sizes. Some few had been filled within two years previously, but others, the majority, were packed probably fifty or more years ago. In addition, we brought in nearly

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twenty-five hundred files of documents from the offices of the secretary of the commonwealth and auditor-general. All these files were neatly tied up and squared, but their indorsements, as we found afterwards, in a majority of instances bore no relation to their contents. About three hundred and fifty manuscript volumes were also brought in. They consisted of ledgers, daybooks, lists of pensioners, and canceled depreciation pay certificates.

On Monday, October 19, the first assistants reported for duty.

The classification at first was a simple one—under letters, petitions, military papers, and miscellaneous heads. This was done in order that the assistants might learn something of the work in which they were to be engaged, and I of the years covered. Every year from 1681 to 1869, inclusive, was represented.

After mature deliberation, a new classification was adopted. This has become permanent. All the provincial papers, ranging from the time William Markham took charge of the province, as deputy governor, down to and including John Penn, the last provincial governor, have been brought under one head. Then follows the papers of the council and committee of safety, and the papers of the supreme executive council. This brought us up to the adoption of the constitution of 1790; and, as we had to have a terminal point somewhere, we made it with the close of Ritner's administration, January 15, 1839, he being the last governor to serve under the above-named constitution. Thus you see the arrangement is: Provincial Documents; Papers of the Council and Committee of Safety; Papers of the Supreme Executive Council; and Papers of the First Eight Governors of the Commonwealth, Mifflin, McKean, Snyder, Findley, Hiester, Shulze, Wolfe, and Ritner. There were fifty-three counties organized prior to and during Ritner's term of office. This meant fifty-three additional heads. Then the military papers from 1754 (and indeed a few years earlier) to 1764 we placed under the head of the French and Indian war. The papers of the war of the Revolution, beginning with the first ten battalions that afterwards formed the nuclei of the Pennsylvania Continental line, were arranged under their regimental commanders' heads. Next came the Pennsylvania Continental line, in numerical order, followed by the German regiment, the cavalry, dragoons, legions, the artillery, artillery artificers, the invalid regiment, pensioners, flying camp, etc. Following these were the papers of the associators that were organized in 1775 and 1776 in the first eleven counties of the province. In March, 1777, a new militia law was passed, appointing over each one of these eleven counties a county lieutenant, with power to appoint not more than five sublieutenants. The colonel divided his county into the required number of districts, and the lieutenant-colonel in command enrolled every able-bodied man from 18 to 53 years of age into eight classes to

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a company and eight companies to a battalion, in all numbering some fifty-odd battalions. Other headings included: The Board of War, Pennsylvania Navy, Donation Lands, Depreciation Pay, Pension Applications, Miscellaneous Military Papers, Forfeited Estates, Muster Rolls of the Militia from 1790 to 1800. Only a few rolls appearing between the last-named date and 1810, they were assembled under the head, 1800–1810. These were succeeded by the papers of the war of 1812–1814. Taking the militia law that obtained at that time, dividing the State into sixteen divisions, we separated the muster rolls into their respective divisions, as, for instance, Philadelphia city and county represented the first division. These were followed by rolls of troops who rendezvoused at Erie, York, Camp Dupont, Marcus Hook, and those who served under Harrison and Crook in the western campaign, the applications for pensions, numbering thousands, the records of courts-martial, and in fact everything incident to the war of 1812–1814. Among the vast mass of manuscripts handled, we found a large number of private and public papers of John Donaldson, George Duffield, Judge John Tod, James Duncan, N. P. Hobarts, William F. Packer, John N. Purviance, E. Banks, George and Samuel Bryan, and John Nicholson. These were all classed under the names of these individuals, "filling to the brim" thirty-five large file cases, and covering nearly every year from 1795 to 1857.

At this point of our work I divided the forces. One group of young women repaired and mounted the papers, while the other copied the material for the Fifth and Sixth Series of Pennsylvania Archives. For the first mentioned, we turned back to the Provincial papers, arranging them all chronologically. These papers were opened, dampened upon the convex side of their folds, and placed in a large press, where they remained some twelve hours. When removed from the press, if repairs were necessary, the work was done. If no repairs were required, the papers were mounted on a somewhat larger sheet of cardboard with a tough, linen hinge. When about one hundred of these cards were mounted, they were placed in a book similar to a loose-leaf ledger. This method was continued until we now have forty-seven volumes of Provincial papers, arranged chronologically.

There were two styles of file cases purchased; the first for the Provincial papers and the second for the papers following the adoption of the constitution of 1790. Having to wait until an additional order for cases for the Provincial papers was filled, we turned to the papers of Thomas Mifflin, the first governor of the Commonwealth. They, also, were arranged chronologically, mounted and placed in books, and we now have of Mifflin's papers alone sixty-six volumes. McKean's administration came next with thirty-eight volumes, and Snyder's with seventy-six. Findley's has just been completed, mak-

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ing sixteen volumes to his credit. The young women are now working on Governor Hiester's term.

The second group of young women were put to copying the muster rolls of the French and Indian war and the war of the Revolution, followed by the war of 1812–1814 and the Mexican war.

While the papers were being classified I spent many a night comparing the original manuscript muster rolls with the copies as printed in volumes 2, 10, 11, 13, 14, and 15, second series, and 23, third series, of the Pennsylvania Archives. A large number of clerical errors having been discovered, the editor of the Pennsylvania State Archives deemed it best to reedit the volumes just named, making the necessary corrections and adding to them the additional muster rolls found. The result will appear in the fifth and sixth series, numbering twenty-two volumes altogether. Eight volumes have been printed, while the "copy" for the remaining volumes has long been in the hands of the State printer, and they will hardly be published before late in the spring. In the meanwhile, this same group is preparing the index, and is now working upon the fifth volume of the fifth series. Every name, event, and place will be properly recorded, so as to make the contents of these volumes quickly accessible.

In addition to the work just stated, it can not but be a personal pride to every Pennsylvanian to learn how well known the Division of Public Records has become in the three years of its existence. Our correspondence comes from nearly every State in the Union. We have had visitors in very large numbers, including students from the universities of Harvard, Yale, Chicago, Wisconsin, Iowa, and a large number of smaller institutions.

It had been the habit for many years when the heads of the several departments of the State received letters of inquiry, to turn them over to the State librarian for reply. This custom still obtained under the present State librarian's régime up to the last week of January, 1904, when, at his suggestion, I took charge of this correspondence, with the result that, to this date, I have received and answered more than six thousand letters. All sorts of inquiries are found in these letters. Historical, political, military, and civil records are sought for. Copies of old laws that have long become obsolete or repealed are wanted. As a matter of course, the material for reply can not be gathered during the six office hours; but, with a strong desire to make the department useful to everyone, to gather this information it has required many a night's work until long after midnight. Some of my replies can be given upon a half page. Once I dictated, from notes made, a letter of seventeen pages in length.

You now have a brief and somewhat imperfect sketch of what has been done in the department. Much has been accomplished; still more remains to be done. From my own point of view we have

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just touched the border line of what can be done. If the department is to fulfill the purpose for which it was created, not only to gather within its walls the manuscripts yet remaining in the several departments of the State, but to reach out, transcribe the material of record in the county towns of Pennsylvania, to purchase manuscripts pertaining to the history of Pennsylvania wherever they may be found, faithfully to copy, print, and distribute the same, thus making them easily accessible to the student of Pennsylvania history, a larger force of assistants must be employed and increased appropriations obtained. The Division of Public Records, from the very nature and wealth of material, if properly cared for, and just as properly managed, is bound to become one of the most important departments of the State, for to it not only the student but the future writer of the history of Pennsylvania must turn for information.

Criticisms of the methods used and management of the department have been many. By far the larger part were in the spirit of appreciation and commendation; a few were "a little unkind." The former have our gratitude. To the latter we bear no ill will, and to all we cordially extend an invitation to visit us. When you do, feel free to criticise and to offer any suggestions that may inure to the benefit of the department. From the time I took charge I have been animated by one purpose—to make the department useful, and to that end every energy of mind and body has been bent.

The last paper of the programme, relative to the care and preservation of public archives, was by Mr. John C. Parish, of the State University of Iowa, and follows herewith:

SOME POINTS IN CONNECTION WITH THE PUBLIC ARCHIVES OF IOWA.

By JOHN C. PARISH.

The public archives of the State of Iowa have been preserved largely in the rooms and vaults of the different State offices, departments, and commissions. Here, until very recently, they have remained, unclassified and without an index, in varying conditions of care or neglect. At the last session of the general assembly, however, an act was passed giving to the State Library and Historical Department the custody of all original public documents, papers, records, and other public manuscripts down to within ten years of their current use, and making appropriation therefor. The act provided for the removal of such documents from the State offices, and for their classification and preservation in the historical building at Des Moines, Iowa.

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Prof. Benj. F. Shambaugh, of the State University of Iowa, was asked to superintend the work and he at once began the preparation of a comprehensive system of classification under which the entire public archives of the State could be arranged and preserved. It is not the purpose here to present a description of the manuscripts or collections of manuscripts comprising the public archives of Iowa. Such descriptions are generally more interesting than they are valuable to the archivist who is looking for practical suggestions which will help him in his own work. Unquestionably the most important and vital problem that confronts the archivist is that of devising and putting into operation a system of classification which will make the material accessible and usable, on the one hand to the investigator and on the other hand to the administrative officer. It is with the system used in Iowa, planned by Professor Shambaugh and put into practice under his guidance, that the present paper has to do.

In a general way the archives are divided into State archives and local archives, and these again into the two primary classes of printed and manuscript archives. This paper will concern only the manuscript State archives.

The classification in each State of the Union must necessarily depend largely upon the history of the State. In Iowa the manuscripts fall naturally into three historical divisions, namely:

1. The period of the Territory of Iowa, 1838–1846.
2. The period of the first State constitution, 1846–1857.
3. The period of the second State constitution, 1857——.

These divisions form chronological cross sections of the entire public archives of the State and the further subdivision is the same in each section.

Within each historical division the papers are arranged by offices. It was evident that a system by which the records from all the State offices, departments, and commissions were merged into one general classification would obliterate lines of administrative office, destroy all previous arrangements of official papers, and result in hopeless confusion. Therefore the records of each office are segregated and a particular interior classification for each devised in accordance with the needs and functions of the individual office.

This interior classification of the offices presents certain complexities. Great variations will naturally occur because of differences in official functions and duties, but in a general way the following outline will be preserved:

1. A general classification of the records of the office according to the nature of the manuscripts themselves. For instance, letters will be put in one class, reports in another, vouchers and accounts in another.

2. Under each of these more or less formal divisions the papers will be arranged topically. Thus reports will fall into topical

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divisions such as reports of State officers, reports of State institutions, legislative reports, military reports, etc. These may again be subdivided for further convenience.

3. In every case the lowest or ultimate classification for all manuscripts is a chronological one.

Such is the general scheme of classification. How has it worked out in practice? Work was begun with the records in the office of the governor. Only as the papers of each office are examined can a detailed arrangement of the papers progress. In each new problems come up for solution, and the remolding of plans to fit occasions is a constant practice. From an intensive study of the records of the governor's office the wisdom of making the first division in the interior classification, one based upon the nature of the documents and then subdividing these according to topics rather than making the primary division a topical one, was increasingly apparent. The topical arrangement, used first, would have involved so many divisions as to unnecessarily and hopelessly complicate matters. It would have made the list of primary divisions of the governor's records an exceedingly long list of topics of varying importance and without uniformity or limit.

The primary division, then, divides the papers according to the nature of the document. In the governor's office this results in the following heads: 1, commissions; 2, correspondence; 3, executive journals; 4, extraditions and requisitions; 5, memorials and resolutions; 6, messages; 7, minutes, proceedings, etc; 8, pardons; 9, petitions; 10, proclamations; 11, reports; 12, resignations; 13, vouchers, accounts, etc.

Each one of these primary divisions is in turn subdivided according to topics. In each case, however, the first subdivision is reserved for the bound records coming under that class. A list of the topical subheads under correspondence will suffice to illustrate the arrangement: 1, bound records; 2, State officers; 3, State institutions; 4, legislature; 5, county and town affairs; 6, external affairs; 7, military affairs; 8, land matters; 9, transportation and commerce; 10, manufactures and industries; 11, appointments; 12, elections. These again may be subdivided to a greater or less degree, as the occasion demands, but in every case the last arrangement of correspondence, as of all other manuscripts, will be according to chronology.

The convenience of the investigator should always be carefully considered in the devising of classifications, since the very reason for existence of archive work is assistance to those who desire to study in the original documents the history of the State. No system, therefore, should be so inflexible as not to permit variation or adjustment to the circumstances of convenient investigation. This often brings up perplexing problems for the archivist to settle in

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making his plan of arrangement. An illustration may be taken from the pardon records. One of the primary divisions of the governor's office is pardons. Connected with each pardon case are many papers. There are applications for pardons, letters of recommendations, reports of penitentiary wardens, and various other manuscripts. Now, there are at least three ways of preserving these papers. First, the accompanying papers may be taken from the pardon division and classed under the other primary classes, for instance, letters of recommendation under correspondence and reports from wardens under reports. Second, the accompanying papers may be kept under the division for pardons, and separate subdivisions made for letters, reports, affidavits, etc. Or, third, all papers pertaining to a single pardon case may be combined with the application for pardon, and the individual pardon cases with all accompanying records arranged according to chronology. The first two methods would necessitate inconvenience to the investigator, whose desire for information would in all probability only extend to a single pardon case. Therefore it was determined in Iowa to adopt the third method and classify all pardon papers by cases without separation of accompanying documents.

To facilitate research among the archives, a system of calendars of the documents is helpful. It is proposed to issue a calendar of each office, which will serve as a finding list or guide to the manuscripts. A system of classification must also, in order to be useful for reference, lend itself to a scheme of notation such as is now employed in the cataloguing of a library of books. The classification herein outlined could be easily provided with a numerical or literal index which would make possible the cataloguing of each individual manuscript. Indeed, a tentative system of notation has already been outlined, as will be seen by a reference to page 37 of "A Report on the Public Archives of Iowa," by Benj. F. Shambaugh.

To summarize briefly: Each State office presents new problems and its own individual difficulties; but when the entire contents of all the State offices, departments, boards, and commissions have been classified there will be the following outline of material:

First, the manuscripts will fall into the three historical divisions: The period of the Territory, the period of the first State constitution, and the period of the second State constitution.

Second, the records of each administrative office will be placed by themselves.

Third, the interior classification of each office will consist of a primary division according to the nature of the manuscripts themselves, and a secondary division into topics and subtopics.

Fourth, a chronological arrangement will be applied as the last disposal of all manuscripts.

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The classification will be followed by a catalogueing of the entire collection according to a system of notation devised for the purpose. Finally, a comprehensive and exhaustive index to the public archives of the State will complete the work.

Mr. Worthington C. Ford, chief of the division of manuscripts in the Library of Congress, spoke briefly on the effect of sunlight on manuscripts exposed for exhibition. In many American libraries manuscripts are so exposed, with evil results. He described an ingenious device which, with the aid of the Bureau of Standards at Washington, he had prepared for measuring the extent of such damage.

THE MARKING OF HISTORIC SITES IN AMERICA.

(Abstract of remarks by Henry E. Bourne.)

Under the head of "The Marking of Historic Sites," Prof. Henry E. Bourne, of the department of history, Western Reserve University, submitted a paper on "The Marking of Historic Sites in America," of which, the investigation not having yet been fully completed, only an abstract can be here published.

Professor Bourne took note of the progress which has already been made in marking historic sites in America. Seeking for the purpose of this work, he found that it originates both from patriotic sentiment and from desire to supply historical evidence for the future. The monuments which have been placed have relation to the work of the historical student, who can not fail to appreciate the value of thoroughly knowing the localities which have become historic.

A large public profit from this work is seen in its educational results, both in the general influence upon the older members of a community and in educational value to the pupils of the schools. There are few regions which do not have some history worth commemorating; where the event itself has not left its own monument and inscription, the marker may well serve the same purpose. If it be asked, What is the scope of this work, what things deserve such permanent public record? it may truly be said, that whatever stimulates local interest sufficiently to give rise to an effective desire to place an inscription, or erect a monument, requires no further argument to commend it.

Professor Bourne instanced what had been done in several communities where the historical consciousness has become particularly keen. The marking of historic sites in America is not a new fashion, but recently has become more common and is done more effectively. Systematic reports of what has thus far been accomplished are as

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yet unprocurable except from a few widely scattered communities. Here is a field of inquiry, or effort, commended to the attention of the American Historical Association.

Professor Bourne pointed out a number of the agencies which are engaged in marking sites, and instanced some of the more significant things which have been accomplished. He alluded to the notable work which had been done by historical and patriotic organizations on the Niagara Frontier, and to the interesting work of citizens of Kansas in marking the Santa Fé trail; both of these subjects to be more fully presented to the conference in special papers. The partial survey of the subject which had been accomplished showed that the marking of sites has been more general in some eastern Massachusetts towns than in any other parts of the country. This is not surprising. It is a region of many vigorous local historical societies which are alive to the rich historical character of their section. The movement has been especially active since the Concord and Lexington centennial.

The methods by which the work is accomplished are various. In many places monuments and markers have been erected by the local authorities, usually on the occasion of some anniversary celebration. In other places the local historical societies have taken the matter in hand. Again, State governments, to some extent, have taken up the work. Professor Bourne mentioned the recent success of the Rhode Island Historical Society in furthering this movement. As a result of its appeal, the State legislature, in the spring of 1906, appropriated $1,500 to be expended, practically under the direction of the society, "for the purpose of suitable marking of sites of historical interest." New York State has, to some extent, accomplished like ends, through the American Scenic and Historic Preservation Society. Official action of many cities, North and South, has been drawn chiefly toward preserving the record of achievement upon the battlefields of the civil war. In this work the United States Government has had a large part through its five Military Park Commissions.

Not only the local historical societies are becoming more and more active in the marking of sites, but the work is always well shared by the patriotic and genealogical societies. Professor Bourne gave numerous examples of what has been accomplished in various parts of the country under the auspices of these several agencies, and concluded by expressing the hope that the conference would "deem it advisable for the council to intrust this work to their special committee, or, as in the case of the report on historical societies, to a subcommittee of the general committee."

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HISTORIC SITES ON THE NIAGARA FRONTIER.

(Abstract of remarks by Miss Jane Meade Welch.)

The subject of "The Marking of Historic Sites on the Niagara Frontier," which was to have been presented by Frank H. Severance, secretary of the Buffalo Historical Society, was ably taken up by Miss Jane Meade Welch, of the same society. Miss Welch gave a graphic sketch of the origin of the movement. She told how, in 1900, the several patriotic and historical organizations in Buffalo, Niagara Falls, and Lewiston had chosen representatives—two or more from each society—who in themselves constituted the Niagara Frontier Landmarks Association. This representative body secured incorporation by the State and took up in a thorough manner the subject of historic sites within its field—that field being construed to be the eastern, or New York, side of the Niagara River and the adjacent region around the east end of Lake Erie within the bounds of Buffalo.

The history of this region begins with the visits of the early frontier missionaries and explorers, and the first site marked was at La Salle, N. Y., where a bowlder and tablet were placed to commemorate the building by the explorer La Salle of the *Griffon*, the first craft larger than a bark canoe to navigate the waters of the Great Lakes above the falls. Below the falls, at the point known as the Devils Hole, the scene of a famous massacre of British troops by the Indians in 1763, a commemorative tablet has been placed. At Lewiston, and at various points in Buffalo, tablets commemorative of engagements during the war of 1812 have been erected. In Buffalo also numerous tablets have been placed on the walls of buildings to mark the sites of structures or events of especial local interest, such as the site of the first schoolhouse, the site of the only dwelling not burned in the destruction of Buffalo by the British and Indians in 1813, and of the first court-house erected 1810, now the site of the Buffalo Public Library. The work of the Niagara Frontier Landmarks Association has now been going on for six years. Backed, as it is, by nine organizations, all of more or less ample resources, there has never been any difficulty in securing funds for the necessary tablets. Numerous other sites are selected for similar marking, and the society has clearly in view its work for some years to come. It is interesting to note that on the Canadian side of the Niagara frontier a somewhat similar work is being done, and that there exists between the historical and patriotic organizations of both countries the most cordial relations, resulting in frequent interchange of visits and invitations from one side or the other of the river to share in each other's commemorative exercises.

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Col. George W. Martin, of Topeka, secretary of the Kansas State Historical Society, being unable to attend the conference, his subject, "Marking the Santa Fe Trail," was presented by his assistant, Miss Zoe Adams. Her paper follows:

THE MARKING OF THE SANTA FE TRAIL.

By Miss Zoe Adams.

It came about at this time through the need of the Kansas Society of the Daughters of the American Revolution to mark something. One of the tenets of the national society is "to perpetuate the memory of the spirit of the men and women who achieved American Independence by the acquisition and protection of historical spots and the erection of monuments." No incident of the Revolution occurred on Kansas soil, and so far as records show neither the Kansas nor Osage Indians participated in that war, though they had twenty years before obeyed the summons of the French to the defeat of Braddock. The Kansas Daughters not wishing to build memorials in their ancestral States, puzzled over the possibilities of raising shrines to patriotism within their own boundaries. Eastern Kansas was well scarred in the war which dedicated her soil to freedom in the fifties, but that strife was fraternal, and is best forgotton, at least by a society whose ancestors hail from the South as well as from the North.

Our chapters had each done something locally to mark historic points, and had helped in a modest way in the erection of the monument on the site of the old village of the Pawnee republic where Lieutenant Pike in 1806 had pursuaded the Indians to lower the Spanish flag and raise that of the United States. It was a woman, by the way, who fostered that enterprise, and enabled Kansas during the past September to celebrate her first centennial.

The State regent of the Kansas Daughters of the American Revolution in 1902, Mrs. Fannie G. Thompson, of Topeka, recalled the earliest known mark of civilization remaining upon our soil, the "thread of empire," which ran from New Santa Fe on our Missouri border to the point where the Cimarron River cuts our southwest boundary, a length of nearly 500 long and weary miles. The old trail was fast becoming obliterated. Only that part lying south of the Arkansas now runs unbrokenly for any length. A recent Kansas writer thus describes this portion:

> Crossing the plains of southwestern Kansas on the main traveled road between Richfield and Hugoton, just before it descends into the sandy lowlands of the Cimarron River, the traveler comes to a broad and well-defined highway of ancient use. It is inclosed with pastures, and bears neither commerce nor horsemen, but it is plain that it was made by hoofs and wheels. Four wagon tracks run parallel in a width of 100 feet; the ruts worn by the

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wheels, the paths of the oxen that drew the wagons, and the little ridges between. Straight as the crow flies it traverses the plain. From the very edge of the northeastern sky line it may be traced with the naked eye, so light and dry is the atmosphere, and it is followed with the same distinctness in its march toward the southwest until it disappears over the rim of the horizon.

Just what means Mrs. Thompson would have chosen to carry out her idea of marking the trail is not known, for her death occurred in February, 1903, the year named in Kansas annals as that of the great flood, when all women's organizations dropped their special line of work and with purse and hand hastened to give the needed relief. The Daughters at their conference in October, 1904, revived Mrs. Thompson's suggestion, and adopted it in her memory.

It was not then definitely known through what counties the trail ran, though the line of the Santa Fe Railroad was generally supposed to have followed its course. The historical society was asked to furnish a map. That of Lieut. G. K. Warren, in volume 11 of the Pacific Railroad surveys, entitled "Map of the Territory of the United States from the Mississippi to the Pacific Ocean," published in 1854, was found to be the best, though as our county lines were not then laid out, the route was still indefinite. Prof. F. H. Hodder, of our State University, suggested that we procure from the War Department the map and field notes of the survey made by the Sibley Commission in 1825–1827, of a wagon road from Fort Osage, Mo., to Taos, the first settlement in the direction of Santa Fe in New Mexico. Copies of these were secured at an expense to the society of $30. The commissioners were Benjamin H. Reeves, George C. Sibley, and Thomas Mather. The map is dated October 27, 1827, and is signed by Joseph C. Brown, the surveyor. It is in two sheets, on a scale of 4 miles to the inch, with the degrees of latitude and longitude upon the margins. As the trail through Kansas for the most part follows the watershed between the Kansas, Marais des Cygnes, and Arkansas rivers, the map depicts numerous little streams, many with forgotten or obsolete names running in opposite directions across its course. This old map and notes have never been published, and it is probable, that the survey in the main justifying the course already in use by the teamsters, it was thought unnecessary to go to that expense.

However, when this map of 1827 was submitted to a draftsman and laid down upon the present county map of Kansas, the result met with protests from our oldest inhabitants, the old settlers, who came to Kansas at the opening of the Territory in 1854. Wagons came first upon the trail, which is thought to have been of prehistoric origin, in 1822. The later travel had changed the route in some places from 3 to 6 miles either north or south of the road followed in Sibley's time.

Finding our map at fault in some respects, the older settlers along the trail were called upon to lay down the road as they found it. To

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this they have cheerfully responded, offering, besides, their help in placing the stones.

The question of material for markers was next discussed. If the chapters had been located along the trail the work would have probably begun by the erection of monuments of stone and cement within the territory of each chapter, as suitable material lies along two-thirds of its length. The case being otherwise, a uniform marker was finally decided upon. After a hasty consideration it was concluded that the most durable, effective, and economical material could be obtained from cement stone, the monument being cast in a mold bearing the inscription, and that a suitable stone could be made at a cost of not more than $2 each. This would leave the expense of placing to be borne by the public-spirited citizens in the favored localities. The legislature of 1905 was called upon to appropriate $1,000 for the making of the markers. The request was granted.

As soon as possible after the adjournment of the legislature a joint committee of the Daughters and of the State Historical Society met to map out the work. To a committee was assigned the task of letting a contract for from three hundred to four hundred cement markers, 16 by 16 inches at the base, 28 inches high at the back, with face sloping from this back to a 21-inch front, and bearing the inscription, "Santa Fe Trail. 1822-1872. Marked by the Daughters of the American Revolution and the State of Kansas. 1905." It was thought that this square block, weighing between 400 and 500 pounds, could be placed at the sides of our present roads where they crossed the old trail, and that, being broad of base, they would need no foundation, but a leveled spot on the firm prairie soil, far enough back from the beaten track to avoid friction with the wagon wheels. The act of gift provided a fine for the defacing of the markers. Several cement stone yards were asked to bid. The result was an offer of three stones varying in quality and price from $2 to $5. Before the job could be let the annual conference of Daughters met, and, reconsidering the markers, decided that the stone should be enlarged to a base of 20 by 20 inches square, and lengthened to 48 inches back and 45 front, and that the best quality of cement stone should be used. The marker had waxed in size, also in price, and a growing distrust being felt by some members of the committee in the efficacy of cement blocks to withstand the winter's cold and the summer's heat, coupled with a longing for beautiful material, finally led to the adoption, in the fall of 1906, of a red granite, from the town of Granite, Okla. A contract was then let to a local dealer for seventy markers at $16 each, the stones to be dressed on one side only, on which the inscription as given above should be cut, the marker to have a base of at least 2 square feet, and to weigh between 700 and 1,000 pounds. The act of gift requires the State regent of the

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Daughters of the American Revolution and the secretary of the State Historical Society to be jointly responsible for the proper erection of the markers.

While the stone was being considered another committee was enlisting the cooperation of the school children of Kansas in the enterprise. The State superintendent of public instruction was asked that the observance of Kansas Day, January 29, 1906, in the public schools should center about the history of the Santa Fe Trail. With this object in view the committee selected literature appropriate to the topic, which was published in two of the leading educational journals of the State and distributed among the teachers. This resulted in the general observance of the day. One of the features of Trail Day in the schools was the reading of original essays by the pupils, the sum of $50 being offered in prizes for the best essays on the trail or upon some local historical subject. A fine national flag was also offered to the school taking up the largest penny collection. This collection, after paying all expenses connected with the observance of the day, amounted to some $600, and was added to the State appropriation, making a marking fund of $1,600.

Time was growing short when the contract was finally let, and a man who believes time and tide are as ruthless with women's projects as with men's persuaded the Daughters to retain a part of their fund for freight and the expense of setting. The Santa Fe Railway, however, has promised to carry the stones free of cost, and the localities where they have so far been received have gladly borne the expense of the concrete foundation the stone requires. It is hoped this generosity will enable enough additional stones to be secured to set at least four in each of the twenty-one counties through which the trail ran.

The Kansas City (Mo.) Historical Association is marking the trail from Westport Landing, as the old levee was called, through the town to its junction with the trail in Kansas, by setting bronze tablets into the walls of buildings. The tablet represents an ox team, freight wagon, and drivers emerging from the wooded bottoms of the landing, while a mounted scout is galloping out before them upon the prairie. Below this design are the words "This marks the route of the Santa Fe Trail, Kansas City to Santa Fe, 1822–1880." At either end of the inscription are the seals of Kansas City and Santa Fe.

The work of placing the stones has now been discontinued until the warm spring weather will permit a renewal of the gatherings which have thus far made a neighborhood celebration of the occasion. The first settler has been invited to repeat his recollection of trail days to an interested audience of old and young. The children have also taken an active part with songs and recitations, and it is

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believed that the marking of the old Santa Fe Trail will result in the increase of the historic conscience, which is akin to patriotism, in the minds of the children of Kansas.

Dr. J. Franklin Jameson, director of the department of historical research in the Carnegie Institution, Washington, spoke briefly of the work of his department, referring particularly to the relation of the department to State and local historical societies. The fund at his disposal is small, but the best use of it seems to be to do what is possible to facilitate cooperative work among the societies. He would be glad to make the department a clearing house for historical societies. The preliminary research for American materials in foreign archives indirectly affects the work of the American historical societies. Research must be carried on in a broad and catholic spirit, yet efforts will be made, so far as possible, to discover the materials desired by different societies.

Attention was called to the revision of Van Tyne and Leland's "Guide." A calendar of papers relating to the Territories of the United States is being prepared; the data are being gathered from the several Departments, and will prove of especial interest to students of the history of the South and West.

Other speakers took up briefly various points suggested by the programme. The Hon. Simeon E. Baldwin, of New Haven, associate judge of the supreme court of errors of Connecticut, urged the importance of accurately determining historic sites before the placing of tablets or monuments. Doctor Jameson called attention to the tablet on University Hall (built 1770), commemorating the use of this building as a hospital by American and French troops during the war of the Revolution. Rhode Island was cited as a State which has well marked its historic sites.

Maj. Azel Ames, M. D., of Wakefield, Mass., emphasized the need of greater care in the arrangement and use of manuscripts, and expressed the hope that the Conference would make a special point of the matter. He made mention of the "jealously guarded and well arranged" records of Suffolk County, Mass.

It was voted that the Conference request the Council of the American Historical Association to take up the subject of marking historic sites in America.

Dr. R. G. Thwaites, secretary of the Wisconsin Historical Society, announced that the next meeting of the American Historical Association would be held at Madison, and expressed the hope that there would be a large attendance. A revised list of historical societies, containing some fifty additional names, was being prepared.

The session as a whole was of a practical and helpful character. The work of the Conference enlists each year the interest and coop-

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eration of a wider circle, and its stimulative effect is already remarked in more than one community.

The following list includes the accredited delegates to the Conference, so far as reported to the secretary, and a few others who also were present. In several instances different societies were represented by the same delegates:

American Antiquarian Society, Worcester, Mass.—Edmund M. Barton, librarian; Nathaniel Paine.

Berks County (Pa.) Historical Society, Reading.—Thomas P. Merritt, Maj. S. E. Ancona.

Boston, Mass.—Hon. Robert T. Swan, commissioner of Massachusetts public records.

Buffalo, N. Y.—Mrs. Carry Lyon.

Buffalo (N. Y.) Historical Society.—Hon. Henry W. Hill, vice-president; Frank H. Severance, secretary; J. N. Larned, Miss Jane Meade Welch.

Cambridge (Mass.) Historical Society.—Andrew McF. Davis.

Carnegie Institution, Washington, D. C.—W. G. Leland.

Cayuga County (N. Y.) Historical Society, Auburn.—Frank W. Richardson, vice-president.

Clinton (Mass.) Historical Society.—Rev. James C. Duncan, W. I. Jenkins, secretary.

Columbia Historical Society, Washington, D. C.—Hon. Job Barnard, vice-president; Worthington C. Ford.

Connecticut Historical Society, Hartford.—Simeon E. Baldwin, vice-president; Rev. Samuel Hart, Middletown; Prof. Charles M. Andrews, Bryn Mawr, Pa.

Connecticut Society of Colonial Wars, New Haven.—Theodore S. Woolsey, Yale University.

Dauphin County (Pa.) Historical Society, Harrisburg.—Benjamin Matthias Nead, Luther Reily Kelker.

Fitchburg (Mass.) Historical Society.—Henry A. Goodrich, president; J. F. D. Garfield, librarian; Ebenezer Bailey, secretary.

Flushing (Long Island) Historical Society.—Lindley Murray Franklin, president.

Harvard Memorial Society, Cambridge, Mass.—William C. Lane, librarian Harvard University.

Holland Society of New York.—Rev. Henry Van Dyke, D.D., Princeton, N. J.

Iowa Historical Department, Des Moines.—Miss Mary R. Whitcomb, assistant curator.

Iowa Historical Society, Iowa City.—Prof. Benjamin F. Shambaugh, John C. Parish.

Kansas State Historical Society, Topeka.—Miss Zoe Adams, assistant secretary.

Kittochtinny Historical Society, Chambersburg, Pa.—Benjamin Matthias Nead, Harrisburg.

Lexington (Mass.) Historical Society.—James P. Munroe.

Lowell (Mass.) Historical Society.—Katharine M. Abbott.

Malden (Mass.) Historical Society.—Deloraine P. Corey, president; Frank E. Woodward, secretary; Mrs. D. P. Corey.

Mattatuck Historical Society, Waterbury, Conn.—Elizabeth G. Kane.

Medford (Mass.) Historical Society.—William C. Eddy, president.

Missouri State Historical Society, Columbia, Mo.—F. A. Sampson, secretary.

Nantucket Chapter D. A. R.—Miss M. Louise Greene, New Haven, Conn.

Nantucket (Mass.) Historical Association.—A. Starbuck, president, Waltham, Mass.

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New Brunswick (N. J.) Historical Club.—Prof. E. L. Stevenson, Rutgers College.

New Hampshire History Commission of Concord.—James O. Lyford, secretary.

New Haven Colony (Conn.) Historical Society.—Simeon E. Baldwin.

New Haven (Conn.) Historical Society.—Theodore S. Woolsey, Yale University.

New Jersey Historical Society.—William Nelson, corresponding secretary, Paterson.

New Mexico Historical Society, Santa Fe.—L. Bradford Prince, president.

New York City.—C. L. Barstow, 34 Gramercy park; Orville E. Wheeler, 27 West Twenty-third street.

New York Historical Society, New York City.—Herbert L. Osgood, Columbia University.

Peabody (Mass.) Historical Society.—Thomas Carroll, vice-president; Mrs. Lyman P. Osborn, secretary and libarian.

Pennsylvania-German Society, Harrisburg.—Benjamin Matthias Nead, president; Luther Reily Kelker.

Pennsylvania Historical Society, Philadelphia.—Prof. John Bach McMaster, University of Pennsylvania; Albert Cook Myers, Moylan; Albert E. McKinley, Philadelphia; Prof. Charles M. Andrews, Bryn Mawr; Herman V. Ames; Prof. William I. Hull, Swarthmore College, Pennsylvania; Burton Alva Konkle, Swarthmore.

Pennsylvania History Club, Philadelphia.—Charles M. Andrews, president; Herman V. Ames, vice-president; Albert Cook Myers, secretary; Marion D. Learned, councilor; Burton A. Konkle, councilor; Augustus H. Shearer.

Princeton (N. J.) University.—Edgar Dawson.

Rhode Island Citizens Historical Association, Providence.—Francis Gallagher, William O. Sherman.

Rhode Island Historical Society, Providence.—Wilfred H. Munro, president; Amasa M. Eaton, secretary; Clarence S. Brigham, librarian; David W. Hoyt, Edward I. Nickerson.

Virginia Historical Society, Richmond.—William Clayton Torrence, Virginia State Library.

Wakefield (Mass.) Historical Society.—Maj. Azel Ames, M. D., Plymouth.

Washington County (Pa.) Historical Society.—J. K. Lacock, Amity, Pa.; Henry Temple, Washington, Pa.

Washington University State Historical Society.—Edmund S. Meany, secretary, Seattle.

Western Reserve University, Cleveland, Ohio.—Prof. Henry E. Bourne, Wallace H. Cathcart.

Wisconsin Archæological Society, Madison.—Dr. Reuben G. Thwaites.

Wisconsin State Historical Society, Madison.—Dr. Reuben G. Thwaites, secretary and superintendent; Miss Louise Phelps Kellogg.

Yale University, New Haven.—Philip B. Whitehead, Janesville, Wis.

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VIII.—A COMPARISON OF THE VIRGINIA COMPANY WITH THE OTHER ENGLISH TRADING COMPANIES OF THE SIXTEENTH AND SEVENTEENTH CENTURIES.

By SUSAN M. KINGSBURY,

Assistant Professor in Simmons College.

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A COMPARISON OF THE VIRGINIA COMPANY WITH THE OTHER ENGLISH TRADING COMPANIES OF THE SIXTEENTH AND SEVENTEENTH CENTURIES.

By SUSAN M. KINGSBURY.

In the twentieth century spirit of Americanism which places the emphasis on results, the Virginia Company has properly been studied heretofore under colonial movements. That it founded the first successful English colony and that it stimulated and pointed the way for the settlement of America reveals the patent and permanent results of its existence. These facts also explain the important place assigned to it in our recent histories of American colonies and the attention of the Librarian of Congress to the preservation of its records.

But the early seventeenth century trader was as anxious for results as is the modern American, and the importance he played in the blossoming of the western continent was entirely unpremeditated and unforeseen. He was a trader first, a colonizer afterwards. Thus, in the "Reasons for raising a fund," written in 1606, those interested in a project for Virginia insisted that the investment would redound to the glory of God, but they expected to convert the savage by trading with him; they urged the advancement of the Kingdom, but they meant to secure dividends on their adventure by bringing back to England the supplies she needed most—the materials for shipbuilding; they insisted on the immense gain to come from the development of the resources of the new country, but they expected the lion's share for the stockholder.

In the course of its policy the company found itself forced to send women to the plantation, but the object was to secure permanent centers and provide for exploration, trade, and search for mines, and not to create a colonial nucleus or establish a "first republic." Finally, when it had become evident that the wealth of the land lay in its productivity and the profits to stockholders must come through the returns from the soil, the common store was abandoned, trade was thrown open, and private enterprise was permitted; but Sir Edwin Sandys's own statements show that he was more anxious to transform

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the company into a proprietorship, and thus to meet his responsibility to the stockholders, than to plant a colony for the nurture of freedom. Even self-government in the colony was the outcome of necessity due to an inefficient system introduced and maintained by a trading company which recognized only the commercial requirements and had no model settlement in mind. The request for a body of laws originated with the colony and was granted by the company because the increased productivity of the settlement would mean additional revenues from charters to ships and from grants for individual plantations. On the other hand the correspondence between Sir Edwin Sandys and John Ferrar in England and with the colony, as preserved both in the Manchester and the Ferrar papers, confirms the accusations of the King's friends that the company was not only indifferent but absolutely neglectful of the colony in its social and political development and earnest only in reference to its economic growth.

The trading spirit of the Virginia Company is further emphasized by the very identification of the leaders in this company with the other trading groups. Thus Sir Edwin Sandys was a stockholder in the East India Company, and continually refers to that business in his correspondence with John Ferrar, while Nicholas Ferrar's private papers reveal drafts of bills to be presented to Parliament on behalf of the Turkey Company and a draft for a charter for the Guinea and Benin Company, bearing the date of the year preceding the grant.[a] Should not, therefore, an intensive study of this corporation rather be connected with economic history than with colonial? And is there reason for Mr. Cunningham's discussing it in his "Growth of English Industry and Commerce" in connection with colonial movements, and neglecting even to mention it among the trading companies?

A thorough search of the calendars of State papers, the catalogues of the manuscripts in the British Museum, and the registers of other British archives shows, that no less than thirty-four[b] English trading companies were chartered in the late sixteenth and the seventeenth centuries, while the scant records of a half dozen of these and the bare mention of four others as having been petitioners for establishment in 1662 lead us to believe that many other futile efforts may have been made to extend the trade of the Kingdom in this manner. Where did the Virginia Company stand among all of these? Seventeen companies, four of which are among the most important of these associations, antedate the organization of the Virginia Company and represent an earlier and quite different movement in that

[a] See Kingsbury, The Records of the Virginia Company, Introduction, chapters 2 and 4.

[b] List of these companies, arranged chronologically, together with the sources of [illegible] see the Appendix to this article.

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their trade was carried on with Christian or with settled and civilized countries within the European seas or along the African coasts.[a]

These four comprised the Merchant Adventurers and the Eastland Company, which traded to Christian realms, underwent no great risks, and emphasized export rather than import trade, and the Muscovy and the Levant companies, which traded with civilized nations, although at greater risk, and dealt in imports as well as exports. Their great value in this discussion, in addition to that increasingly important question of the genesis and evolution of trade through chartered companies, comes from the fact that from them we learn that the Virginia Company conforms closely to the forms of business in London. In fact, the laws and orders of the Eastland merchants and of the Merchant Adventurers are the only seventeenth century records of the kind in print, or so far as we know in existence, outside of those of the East India and the Virginia and Somers Islands and the Providence Island companies.

Three others of these organizations—the Royal African (1793), the Hudson Bay (1670), and the South Sea (1713)—were established so much later in the century and their records, although extant, are so unavailable that they can be of use only to note certain repetitions of efforts and certain continuities of purpose and form.

The fifteen corporations organized for trade to China, Guinea or Africa, Morocco or Barbary, Morea, the Canary Islands, Spain, France, Guiana or the Amazon River, Greenland, Canada, and Newfoundland unfortunately have left us little beyond their charters so far as the printed catalogues reveal. We are thus compelled to identify them as closely as possible with the better known companies and to draw upon our imagination for their history. The precious papers of a few of them, however, are fruitful in determining that the trading system was general and that the methods were similar. We shall consider, therefore, the chief characteristics of some of these, such as the African, the Providence Island, the Guiana, the Canary, and the Morocco companies. But to the records of the East India Company, whose charters, letters, and minutes for the contemporary period have been so well edited, and to the Massachusetts Bay Company must we turn for any more accurate and detailed study of the position of the Virginia Company in the movement of the century.

The fundamental constitution of the Virginia Company organized it as a corporation in 1609 on the folowing lines: (1) It granted exclusive powers over the newly discovered lands. (2) The grant was for an unlimited term. (3) It permitted the membership in the association to be regulated by the company. (4) It made no provision for the revocation of its rights. (5) It provided for a joint stock. (6) A monopoly of trade was not guaranteed, except in the

[a] Excluding the East India and the China companies.

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form of a right to tax English traders 2½ per cent and foreigners 5 per cent, but the enforcement of a common trade, secured by the non-distribution of lands until 1616 and by the maintenance of a common magazine in the colony until early in 1620, resulted in a monopolistic scheme and a system of licensing for fourteen years.

The organization of the Virginia Company consisted of a general court composed of the adventurers, who had subscribed to one share of stock, £12 10s, and who had been admitted by a vote of the assembly; of a treasurer, at first nominated by the King, with a provision for election by the generality, and of a council or court of assistants, chosen by the company after the charter of 1612. All important business and the passage of laws constitutional in character was determined in the quarterly courts. Ownership of one share of stock carried with it the right to 100 acres of land on the first division of lands which was promised for 1616 by the charter of 1609, and to a similar amount on a second division. No dividends were promised or even suggested in the letters patent or in the certificates of membership, but the records of suits at law show that an income was guaranteed subscribers by the company's agents.

A comparison of these functions with those of the trading companies will help us to discover the relative importance of the Virginia Company.

Thus the powers of the Virginia Company over the newly discovered lands conformed to the general custom of grants for exploration, arranging for government of the plantations consistent with the laws of England. The number of those who were to have the privileges of government through membership was increased at the will of the company, as it needed larger capital, as in most of the other associations. The Providence Company and the New England Council seem to have been organized with a very limited number, but the former gradually extended its membership. When the Massachusetts Bay Company desired an increase in size it transferred the body politic to the colony, leaving the organization small as long as it remained in England. It is a strange fact, perhaps significant, that with the exception of the very early grants, before 1689,[a] the first letters patent of the Virginia, the Spanish, the Massachusetts Bay, the Providence Island, and the Canary companies alone did not impose a limitation on the duration or provide for the revocation of the charter. It may also be significant that the Providence Island association seems to have been the only one of the group over which a contest respecting the charter did not arise, and that company probably died at the hands of the Spanish instead of the Crown or Parliament.

[a] The Declaration of Rights nullified the monopolistic character of the trade, and hence companies were thereafter granted perpetual rights.

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The question of the dissolution of the Virginia Company by quo warranto might be understood better if more were known of the Spanish and Canary companies. The close analogy between the monopolistic schemes of the company and the monopolies of industry in England, as noted below, leads one to question whether the Crown may not have been yielding to public opinion in its action against this monopoly as against other monopolies. However, the quo warranto proceedings reveal that the means used by King James were extremely high-handed and the judgment prearranged—that the action was against the faction of the company deemed to be hostile to himself. Furthermore the charter of the Providence Island Company in 1635, apparently patterned after the Virginia Company, was granted to certain of the more influential members of the Crown faction in the Virginia Company, and this leaves one still questioning whether the monopolistic tendencies or the Crown hostilities were responsible for the quo warranto, or whether it was simply another evidence of the unsettled policy of the Stuarts.

The system of a joint stock company for trade seems to have been first introduced by the Virginia Company unless, perhaps, the Muscovy or Russian Company adopted such a system in 1604.[a] The earlier fifteen or sixteen bodies[b] were associated as "regulated" groups, in which the members paid a fee for the protection and advantages afforded, but conducted their trade entirely on their own capital. The joint stock principle is also maintained throughout the life of the Virginia Company as the method used for supplying the colony with necessities, for developing colonial industries, for settling the territory by large plantations or hundreds, and, finally, for securing an income from the importation of tobacco. Mr. Price's[c] emphasis on the necessity for a joint stock company to conduct the sixteenth century industrial monopolies which required a vast capital is even more applicable to the companies trading to far distant lands. Thus all, except two, of those organized after 1606 traded to the western continent, or to the South Seas, and all but one were joint stock. But Mr. Price might well have continued the analogy further and pointed out the fact that not only did the joint stock monopolies precede the adoption of the system by the trading companies, but that the Virginia Company and also the Providence Island Company[d] used joint stock monopolies for the industrial development of their plantations. While the Virginia Company made

[a] The statement by Macpherson that the Morea Company was organized as a joint stock branch of the Turkey Company in 1593 seems strange, in that the latter stood as distinctly typical of the regulated companies in opposition to the East India Company, as joint stock. See Appendix, No. 14.

[b] See Appendix to this article for these companies.

[c] The English Patents of Monopoly, p. 131.

[d] See Calendars of State Papers, Domestic, 1635 ff.

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no promises of return from or redemption of the joint stock, the Guiana plantation[a] provided for a true joint stock for the first five years but promised the profits to each adventurer after the first year, and at the end of the five years the permission to withdraw the "just residue of stock and profits therefrom." Similarly, in 1667, the African Company provided for a just division of all undivided stock at the end of seven years, with the privilege that any adventurer might withdraw his stock on six months' notice, and every three years thereafter. In the latter company alone, the vote in the general court was proportional to the investment.[b]

The Virginia Company secured virtual monopoly of trade until 1620 by the means above outlined, and also employed the system for developing the industrial resources of the plantation. While soap and glass monopolies were struggling in England the company was endeavoring to establish such industries by securing artisans from the various European countries. Furthermore, the company was using every effort to acquire a special monopolistic power, not only of trade in the tobacco of the plantation, but of all tobacco, by securing the sole importation and sale of the commodity. It is peculiar that this company should not have had exclusive trade to the coasts of Virginia and even monopoly of importations, for almost without exception did such provisions appear in the other charters. In the Guinea charter, 1631, and in the Greenland Company, if not in other companies, the monopoly of importation of certain products was permitted.

The lines of development within the companies necessarily conformed to the conditions of the countries to which they traded, but such information concerning the minor groups is even less satisfactory than in constitutional matters. A comparison of the instructions of the Virginia Company to Sir Thomas Gates in 1609, the letter from the East India Company to its factor at Bantam, and the commission of that body to Sir Henry Middleton in the same year, or the directions of the Providence Company to its governor in 1631[c] shows the same careful directions as to the lines of trade and as to the policy to be employed toward native kings and chiefs, the same minute instructions as to care of the health of the seamen, agents, or settlers, the same accurate knowledge by the companies of the country, the people, and the possibilities, and the same complaining tone as to the failure to observe directions and attend to the welfare of the company.

The objects and motives of the Virginia merchants are difficult to discover and hence to compare with those of other trading associations, in that they change with the progress of the company. In

[a] See A Publication of Guiana's Plantation, 1632.

[b] See The Several Declarations of the Company of Royal Adventurers of England Trading into Africa, 1667. Each vote required £400 investment.

[c] See Birdwood and Foster, The First Letter Book of the East India Company, 1600–1619, 312–315, 328–348; Calendar of State Papers, Colonial, February 7, 1631.

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fact, it was by these changes this company worked out the distinction which was hereafter to be made between companies for trade and associations for colonization. It aimed at "ways of enriching the colonies and providing returns so that the fleets come not home empty," and hence there was a similarity of purpose with the East India Company in the endeavor to discover a route to the South sea, to find mines, and to secure trade as well as tribute from the natives.[a] But here the ways parted and the orders to expend labor in producing wines, pitch, tar, soap ashes, steel, iron, pipe staves, hemp, flax, silk grass, and in securing cod, sturgeon, and pearls distinctly mark the path which the Virginia Company was of necessity to follow. It was to secure its wealth by the development of the resources of the country. But it finally reached the position of the African Company, which became an organization for securing a staple—namely, negroes. For the Virginia Company was to find its sole resource and hope in the productions from its lands and the importation of tobacco. Thus its later history is really a struggle to keep the King from granting to his favorites the sole importation of tobacco, and then to secure for itself not only the returns from its tobacco grown in Virginia, but the monopoly of its production and of its sale in England.

To a certain extent, and for a few years therefore, the Virginia Company is similar to the East India Company, but for a counterpart of its later career we must look to the associations of the next decade in the Guinea, Providence Island, and Massachusetts Bay companies, of which it was the prototype. Access to the Providence Island records would doubtless throw much light on the Virginia Company. Thus in the Providence Company is the same fundamental organization as in the Virginia body, the same system of control by a generality, although it began with a small number of patentees, the same policy of common land and a common magazine soon abandoned for a small grant of land to each planter, the constant complaint of planters of the scarcity of provisions, the counter accusation that there has been no real demonstration of industry by the settler, and the declaration that the company will not proceed further in its vast expenses until some staple commodity is raised. The company at home is constantly endeavoring to secure new planters and new subscriptions for a joint stock for the magazine. There is the controversy with the complaining and recalcitrant minister. Even conviviality finds its way into each company, although the Providence Company improves upon its predecessor in arranging for quarterly rather than annual suppers.

Perhaps the most striking and most fruitful comparison could be made in the financial systems and results of the various companies.

[a] From the Instructions to Sir Thomas Gates.

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In the system of joint stock, the Virginia Company maintained its fund through the general fee of £12 10s., for each share, which doubtless was first invested in what came to be known as the old magazine. New efforts were then made through new adventurers, or new magazines, or new joint stocks for certain definite purposes. But in 1621, the company declared in a letter to the colony that the old magazine of £7,000 had never returned a penny.[a]

The company was thus forced to new efforts and evidently in 1611 attempted to secure new adventurers, promising a prompt return, but the chancery proceedings of 1612 show that no profits had yet been received, and the rumors that none could be expected for twenty years resulted in a consequent refusal on the part of subscribers to pay the sum they had underwritten.[b] The company had not succeeded in discovering a route for trade with the east nor in finding wares in the west, and it had not yet developed into a proprietary body which could depend on the products of its land. It was, therefore, forced to rely on lottery schemes, or to abandon the undertaking. The next step was the granting of private plantations to patentees who should transport tenants and help to develop the resources of the colony. In 1617 and 1619 we have the investment of large sums in this scheme,[c] and the beginning of larger returns from tobacco. The latter amounted to 10,000 pounds of the best tobacco, or one-sixth of what the planters declared could be produced in 1622; although in 1624 Nicholas Ferrar makes his estimate of the customs return to the Crown at £11,250 sterling, on a basis of 300,000 pounds of imported tobacco, stating that the planters had never brought more than one-third of the crop to the Kingdom. Indeed, in 1617 the customs on tobacco amounted to £4,450 18s. 6d.

The total expenditure under Sir Thomas Smythe in the first twelve years is said by both factions to have amounted to £80,000, while Sir Edwin Sandys claimed he had done more in one year with £8,000. It may be interesting to note that the list of adventurers under Sir Thomas Smythe indicates about 820 subscribers with a fund of some £32,000, while the lists from 1615 to 1623 include but 200 new names with a total of £2,500 adventure. Indeed, the later investments were rather by subassociations as in the first East India investments. There were fifty or sixty of these patentees, representing two or three thousand individuals,[d] and each group was transporting large numbers of people, at an expense of from £15 to £20 for each person. We have thus a somewhat complex and uncertain gauge of the extent of the investment, and we have no means of knowing what

[a] See Introduction to Records of Virginia Company, List of Records, No. 269.

[b] See Introduction to Records of Virginia Company, List of Records, Nos. 15, 19, 21, 22, 23.

[c] The expense of Smythes Hundred for sending ships in 1619 was £1,040, the cost for 35 men in 1618 being £657 9s. 4d.

[d] See Introduction to Virginia Records, List of Records, No. 134.

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profits the submonopolies or patentees gained, but the capital actually invested in the plantation must have been much greater than most of the contemporary investments, and must have approached that of the East India Company.

In some of the companies we have a few figures for comparison, thus showing the investment of the Greenland Association in 1639 to have reached £40,000, and the total investment, as estimated by losses, in the China and African companies, to amount to £51,000 and £300,000 respectively. In comparison with the East India Company the capital of the Virginia Company may seem very small, for the capital of the former ranged from £30,000 in 1599 to £1,629,000 in 1617, while the returns ranged from 95 to 234 per cent, during the early years, as opposed to no dividend from the joint stock of the Virginia Company throughout its career, as far as the records show.

The history of the East India joint stock was just the reverse of that of the Virginia Company. It commenced as a regulated company, trading by separate investments for each voyage; in 1612 it developed into a series of joint stock investments, and in 1661 it was organized on a modern basis.

The shipping of the Virginia Company was by no means small, aggregating, between 1619 and 1623, something over 51 ships dispatched to the plantation with over 2,700 people, while in the East India Company the registers show but 26 ships for the years 1601 to 1612, and the Providence Island Company evidently was unable to send more than 500 or 700 people to its colony.

The number of people interested in the adventures, the number of planters, tenants, and servants which emigrated to Virginia, and the number of individuals who were interested in the lotteries, made the Virginia Company among all others a popular movement in its connection with trade as well as in its development into a self-governing body politic.

Such, then, is a meager outline of the evidence that the Virginia Company was not only a trading company, but that it was a part, a vital part, in the movement for commerce through trading associations. Over the table of its general court, and through its communications with council, King, and Parliament, were fought some of the battles which helped to determine whether the English policy was to be one of regulated, of joint stock, or of individual trade; of monopoly or of freedom in the newly opened trade; of corporation, of individual, or of Crown control of the new settlements; of free trade for the advancement of the colony, or of the regulation of trade for the good of the Crown.

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The Virginia corporation was organized and remained a joint-stock company. In trade it soon adopted the practice of licensing and then worked away from its original purpose of securing wares from the natives, and came to depend upon the development of the resources of the country, making extensive grants of patents for private plantations and establishing free trade, but turning to monopolies of staples in the later years.

The question of the control of colonies was not so easily worked out. In the dissolution of the company we see the genesis of the settled policy of Crown control; and apparently Crown favorites and favoritism simply postponed the day when trading companies or individuals that had established large settlements should give way to the principle of royal colonies. Regulation of the trade of the colonies for the advantage of the State and the enumeration of tobacco was foreshadowed when a committee of the privy council was appointed to investigate conditions of the company in 1623. It was suggested when the Virginia Company was forced to bring all of its tobacco to England and not to have a foreign house. It was finally declared when the Crown attempted to secure large gains from the customs on tobacco and, as a result of the struggle, dissolved the corporation, took the colony unto itself, and concerned itself chiefly with the revenue it should receive.

But what do the records of the other companies, barring the East India Company, show that those bodies contributed to the definition of these principles of trade? What more do the "Minute Books of the General Court and of the Court of Assistants," the "Warrant Books," the "Home Journals," the "Letters" of the Royal African Company tell us of these battles than is given by Mr. W. R. Scott?[a] What are its "Proceedings and papers" noted in the report of the Royal Manuscripts Commission; its papers mentioned among the Sloane manuscripts? Must we depend on Stowe and Anderson for our knowledge of the Canary Company, when calendars of State papers and British Museum catalogues show arguments and documents concerning that most puzzling of incidents—the revocation of charters? Must we lose all detail of the finances, the efforts, and therefore the functions of the Providence Island Company because its documents and records, complete for ten years, are only briefly calendared?[b]

Although the South Sea Company is a creature of the later century, may not its records, deposited in the British Museum after its expiration in 1864 and covering a century and a half of activities, prove invaluable in the pursuit of this subject? Shall we permit the confu-

[a] See "The Constitution and Finance of the Royal African Company of England" in The American Historical Review, Vol. VIII, No. 2.

[b] See Calendar of State Papers, Colonial, and Sloane Manuscripts, 973, and Additional Manuscripts, 10615, in the British Museum.

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sion to continue between the settlement of Guiana and Surinam when the Calendar of State Papers, Colonial, show data with regard to the Amazon Company in 1620, 1626, and 1629, while the publication of the company in 1632 [a] reveals the maturity of a well-formed scheme of the type of the Virginia corporation? [b] May not the revival of the Barbary as a Morocco company by charter in 1639, and the attempt in 1639 and again in 1661 be a bit of history worth considering? [c]

Even the older companies and those better understood thwart any endeavor to secure detailed knowledge of their important part in the beginnings of trade movements. It is encouraging that Mr. Rosedale announces the publication of further material than that contained in his Queen Elizabeth and the Levant Company, and we hope it may include the numerous charters, patents, lists of members and servants, standing ordinances, and letters catalogued among the collections of England.[d] Similarly we hope that the excellent beginning made in the publication of the Eastland and the Merchant Adventurers records, with the hundreds of papers bearing on these associations known to be located in the Public Record Office will be continued and will be extended to include the Muscovy Company, and also the less important, perhaps because less known, groups of the China, Greenland, Spanish, Hamburgh, and Royal Fisheries companies.

If we may gain so much from the calendars and catalogues concerning these organizations, what new chapters might not be written after a thorough search of the manuscript collections themselves? It would seem that the surface had hardly been scratched and that we should not be content with the study of the economic history of the seventeenth century until all of these corporations, including even the half dozen companies which Anderson and Macpherson merely mention, have been investigated.

APPENDIX.

A list of the trading companies chartered by the Crown in the sixteenth and seventeenth centuries, arranged chronologically according to the date of the patent, is given below. Wherever the grant is renewed the dates are given under the first date, but when the patentees formed a distinctly new group or new organization, the company is repeated under the new date and new name. The object of the list is to bring together the names and a brief of the data already found, to give the authorities for the statements made in

[a] See A Publication of Guiana's Plantation Newly undertaken, by the Right Honorable, the Earle of Berkshire and Company for that Most Famous River of the Amazons. 1632.

[b] State Papers, Colonial, Calendar, 1574–1660, pp. 24, 79, 101, and 270.

[c] Sloane and Harleian Manuscripts, British Museum, and State Papers, Domestic, for 1639.

[d] See Salisbury Manuscripts and the Stowe, Harleian, Cottonian, and Additional Manuscripts (20031 and 17480). The Calendar of State Papers, Domestic, from 1581 to 1640, contain references to over 100 documents of the company.

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the foregoing discussion, and especially to serve as a guide for more extended study of the field. Since the list is based on the printed catalogues only of the depositories in England and on the Calendars of State Papers, Domestic, to 1640, and Colonial, to 1660, it can by no means be considered complete or final. References to the records of the East India Company, the New England Council, the Massachusetts, Virginia, and Somers Islands companies and the Merchant Adventurers have been omitted altogether, because printed bibliographies of the records of those bodies is accessible.

THE TRADING COMPANIES.

1. 1490. ENGLISH TRADING TO PISA. Regulated. English in Pisa, a right to form a corporate body. Trade principally in wool.
   MACPHERSON, *Annals*, Vol. I, 705, 715.
   Rymer, *Foedera*, Vol. XII, 270.

2. 1505 or earlier. MERCHANT ADVENTURERS. See Lingelbach, *The Merchant Adventurers of England;* Extracts from Records of the Merchant Adventurers of Newcastle-upon-Tyne, in *Publications of Surtees Society*, Vol. I, 1895; Vol. II, 1899; etc.

3. 1554 to 1741. MUSCOVY OR RUSSIAN. 1554. Regulated. 1604. Joint Stock. Monopoly.
   State Papers Domestic, 1547–1638. (Sixty-five references concerning trade, relations with Denmark, opposition to the company, trade to Greenland, fishery deputies, treaty with Russia, oil and beaver trade.)
   B. M. MSS., *Cottonian*, I, Nero B, III, 258b, 263; *Additional*, 33837, f. 70; 32898, f. 53; 31148, f. 449; 35908, f. 18; *Sloane*, 3657, ff. 1, 2. (Deeds, conventions, letters, petitions.)
   Eleven pamphlets from 1651 to 1751.
   Roy. MSS. Com., *Repts.*, III, IV, V, XII, app. 6; XIII, app. 6, app. 7; *Portland MSS.*, Vol. 2; *Salisbury*, pts. 5, 9, 10. (In all 21 references to petitions, orders, letters, accounts of trade, restraints.)
   Anderson, *Origin of Commerce.* (Numerous data, 1554–1741.)

4. 1560. MERCHANTS OF EXETER TO FRANCE. Exclusive trade, confined to their own city by act of Parliament.
   Macpherson, II, 135.
   St. Pap. Dom., 1598–1601, 16. (Discussion of grant.)

5. 1564. HAMBURGH.[a]
   Macpherson, II, 140.
   Roy. MSS. Com., *Reports*, V, 216; VIII, pt. 1, 147b, XIII, app. 1; *Portland MSS.*, 524.
   St. Pap. Dom., 1635–1638. (Merchant Adventurers in Holland, acts of State, debts, etc.)

[a] That the Hamburgh Company, so called, was a more independent company than the fellowships in other mart towns seems probable. See Lingelbach, Merchant Adventurers of England.

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6. Between 1574 and 1577 to 1605. SPANISH. Regulated. Exclusive trade. Revoked by Crown with thanks of Commons.

St. Pap. Dom., 1547–1610. (Thirty references, concerning trade, and arguments for and against monopoly of trade, commission for examining charter (1605), charter of 1605.) *1610–1618*, 83, 185, 473; *1619–1623*, 247, 265; *1623–1625*, 135, 159, 176; *1637–1638*, 103. (After 1610 these and other papers record complaints because there is no company, and reasons against and petition for a company.)

B. M. MSS. *Cottonian MSS.*, I, Vespasian, VII, 48. Statements of fact and charter.

Roy. MSS. Com., *Report*, 11, app. 3, 130. (Charter desired, 1617.)

Macpherson, II, 241.

7. 1579–1689. EASTLAND MERCHANTS. Regulated. To Christian region. 1629, new charter—monopoly for fifty years.

St. Pap. Dom., 1547–1640. (Seventy-six references on petitions to State, privileges, conditions of trade in potashes, gunpowder, cloths, soap; relations with Poland, Denmark, Hanse towns, etc.)

B. M. MSS. *Sloane*, 25; *Additional*, 28156, f. 193.

Roy. MSS. Com., *Reports*, I, III–VI, IX, XII, *Portland.* (Twenty-two documents: books, petitions, letters.)

Foedera, VIII, pt. III, p. 80.

See Seller, Maud, *York Eastland Merchants Record Book* in Publications of Royal Historical Society, Camden Series, 3rd ser., Vol. XI.

8. 1579. MERE ADVENTURERS TO FRANCE. Petition for incorporation because of abuses and considerations of advisability of exclusive trade.

St. Pap. Dom., 1547–1580, 619, 620.

9. 1581. VENETIAN.

St. Pap. Dom., 1547–1590. (Thirteen papers on imposts and petitions.)

10. 1581. TURKEY.[a] For seven years. Revocable on one year's notice. Regulated.

St. Pap. Dom., 1581–1590. (Five papers on the conditions of trade.)

B. M. MSS. *Cottonian*, I, Nero, B. XI, 321. (Instructions of governor to agents.)

Macpherson, Vol. II, 168.

11. 1583. NORTH WEST PASSAGE. Patent for five years for discovery of North West passage. Scheme failed.

Macpherson, Vol. II, 174.

12. 1585. MOROCCO. (See Barbary, 1638 and 1661.) Exclusive trade for twelve years. To Warwick, Leicester, and 40 others.

St. Pap. Dom., 1581–1590, 88. (Reasons for and against incorporation, 1582.)

B. M. MSS. *Cottonian*, I, Nero B, VIII, 60, 61, 63b, 64b. (Correspondence between Queen Elizabeth and King of Morocco.)

Anderson, Vol. II, 215.

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[a] See also Levant Company, 1592.

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13. 1588. GUINEA. (See Royal African, 1662.) (1) 1588 charter. Exclusive trade for ten years. Revocable on six months' notice. (2) 1631. New African joint stock. Exclusive trade for thirty-one years to Guinea and Benin. Monopoly of importation of red-wood, skins, wax, gum, dyes, grain.

St. Pap. Dom., 1619–1638; *St. Pap. Col., 1574–1660.* (Ten papers on nonconduct of trade, ships, creditors, petitions, importation of gold.)

Roy. MSS. Com., *Reports*, III–V; XIII, App. 2; *Portland MSS.*, 29–31. (Four papers, including letters.)

Macpherson, Vol. II, 189, 292, 369.

Foedera, 1632 (Charter).

Ferrar Papers, Magdalene College. (Draft of charter by Nicholas Ferrar.)

14. 1593. MOREA. Joint-stock branch of Turkey Company.

Macpherson, Vol. II, 202.

15. 1592 to 1825. LEVANT. (Incorporation of Venetian and Turkey companies.) 1593. For twelve years. Regulated. 1605. Perpetual. Exclusive. 1661. New charter. 1825. Surrendered charter.

St. Pap. Dom., 1581–1640. One hundred and twelve papers: Discussions and petitions for and against the union of the Venetian and Turkey companies, abstracts of patents, reports of shipping and trade, petitions, letters, contests, etc.)

B. M. MSS., *Harleian*, 306, 11 (Charter, 1692), 12 (Standing ordinances), 13 (Patent, 1600); *Cottonian*, I, Nero, B, XI, 120, 321 (Instructions, 1561), 304b; Vespasian, F, IX, 240; *Stowe*, 219, 220 (Letter books, 1681–1688); *Sloane*, 4011, f. 42, 2002, f. 272 (Amount of cloth exported); *Additional*, 20031 (Charter, 1605), 23789, f. 322; 23790, f. 32 and 23818, f. 6 (Letters, 1744); 17480 (Diary of trip, 1598–1600); 33052, f. 181, and 32792, f. 322 (memorial, 1736, 1739); 35906, f. 169, and 34908, f. 106 (1751 and 1798).

Pamphlets, 17 of late seventeenth and early eighteenth centuries and 2 of early nineteenth century.

Roy. MSS. Com., *Reports*, III, IV, V, VII, X, App. 4, XIII, App. 5, XII, App. 9; *Portland*, Vol. I; *Salisbury*, pts. 2, 5, 6, 10 (Names of members and servants, 1600), Royal MSS., III. (Embracing letters, accounts, complaints, catalogue of petitions, petitions.)

16. 1600. EAST INDIA. See especially: Stevens, H., *Dawn of British Trade;* Bruce, John, *East India Company;* Hunter, William, *A History of British India;* Birdwood, *First Letter Book of East India Company;* Shaw, John, *Charters relating to East India Company;* etc.

17. 1604. CHINA. For trade and discovery.

Foedera, XVI, 582.

18. 1606. VIRGINIA. 1606, 1609, 1612. See *Records of Virginia Company.* Introduction, by the writer.

19. 1607. NORTHERN PASSAGE FELLOWSHIP. For seven years for discovery of North, Northeast, or Northwest passage. Result unknown.

Macpherson, Vol. II, 248.

20. 1609. GUIANA. (See Amazon, 1632.) (1) 1609, Letters Patent to Mr. Harcourt and 60 others. (2) 1616, Letters Patent to Sir Walter Raleigh. (3) 1620, Colonizing and trade in Amazons. (4) 1628, New charter.

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St. Pap. Col., 1574–1660, 24 (Resignation of Company, 1620); 79 (Plan for formation of company, 1626); 101 (Plan to get aid from King, 1629).

B. M. MSS., *Additional*, 22587, ff. 8–10; 29598, f. 2; *Sloane*, 3272; 760 (Papers on Sir Walter Raleigh's voyages). *Sloane*, 3662, ff. 37b–49 (History of Guiana, 1530–1668;) 1133 (Voyages).

21. 1610. NEWFOUNDLAND. Company of adventurers and planters of London and Bristol for plantation to secure the trade of fishing for our subjects.

Macpherson, Vol. II, 260, 300.

22. 1612. SOMERS ISLANDS. See Lefroy, J. H., *Memorials of the Bermudas*, and the Virginia Company, 1606.

23. 1620. NEW ENGLAND COUNCIL. See Osgood, *The American Colonies in the Seventeenth Century*, Vol. I, for references to the Records.

24. 1628. GREENLAND. (See also, 1693.) King and Company. Monopoly of importation of whalebone.[a]

St. Pap. Dom., 1627–1639. (Thirty-two papers on the formation of a whale-fishing company, and conflicts with Dutch trade.)

Anderson, Vol. III, 128.

25. 1629. MASSACHUSETTS BAY. See Osgood, *The American Colonies in the Seventeenth Century*, Vol I, for references to records.

26. 1629. ROYAL FISHERY. Charters in 1633, 1661, 1693.

St. Pap. Dom., 1629–1631. (Plan for company, with a stock of £11,000 or £12,000.)

Roy. MSS. Com., *Report*, 15, App. 6. (Letters and papers relating to the charter, 1719).

Macpherson, Vol. II, 365, 367, 563, 584.

27. 1632. GUIANA OR AMAZON. Joint stock.

St. Pap. Col., 1574–1660, 270. (Urging action to encourage adventurers, 1638).

B. M. MSS., *Sloane*, 159, f. 20. (Overtures to colonizers by Lord Willoughby of Parham.)

Pamphlet, 1632.

Roy MSS. Com., *Report*, XII, App. 2, 21. (Return of ships, 1633).

28. 1635 to 1640. CHINA (a revival, see 1605). For five years, not to interfere with Dutch. Loss, 1640, £51,612. One-half of land discovered, to King. Land and plantations to heirs and assigns. Export, £41,000 gold. Pay duties. To discover Northwest passage.

Foedera, IX, 96–104.

29. 1635 to 1641. PROVIDENCE ISLAND. Joint stock. Exclusive trade.

St. Pap. Col., 1575–1660. (Numerous references, embracing charter, letters, reports, accounts, minutes of meetings.)

B. M. MSS., *Sloane*, 793, confirmation of letters patent, 1631. *Additional*, 10615, letters to governors, 1635–1641.

Roy. MSS. Com., *Report*, V, 18. (Petition.)

[a] This may have been a grant of new privileges to the Muscovy Company or the references may have been to the Royal Fishery. See Greenland Company, 1693.

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30. 1638. BARBARY (a revival of the Morocco, 1585.)
St. Pap. Dom., 1638–1639. (Orders for charter, for conferences between old and new companies, plans, etc.)

31. 1661. BARBARY. Endeavor to reerect a company.
B. M. MSS., *Harleian*, 1595, 6–10; *Sloane*, 1956, ff. 45, 46, 50b, 61b; 3509, ff. 4–9b. (Arguments for and against a company.)

32. 1662. Four new companies petition Parliament.
Anderson, Vol. II, 624.

33. 1662 to 1752. ROYAL AFRICAN. 1662, new exclusive; 1673, new exclusive; 1688, charter amended; 1750, new regulated company; 1752, old company dissolved.
B. M. MSS., *Sloane*, 205; 992; 2724, ff. 1, 8–11b; 2902, ff. 88–95; 2903, f. 332; 2281, f. 1b. (Charter and other papers after 1663.)
Treasury Papers.
See Scott, W. R., Constitution and Finance of the Royal African Company of England from its foundation till 1720; in *American Historical Review*, January, 1903; and Collins, Ed. D., Studies in the Colonial Policy of England, 1672–1680; in *American Historical Report*, 1900, Vol. I.
Macpherson, Vol. II, 508, 568, 569; Vol. III, 280, 289.

34. 1665 to 1667. CANARY. Joint stock. Exclusive trade. Monthly and weekly courts.
St. Pap. Dom., 1664–1665; charter, discussions, and petitions concerning charter.
B. M. MSS., *Stowe*, 303, f. 109; *Additional*, 14034. (Papers of Board of Trade relating to, 1696–1786); 32093, f. 367. (Remonstrance of London merchants, 1654–1658.)
Royal Proclamation, 1665.
Roy. MSS. Com., *Report*, IV, 237; VIII, 102. (Patent declared illegal by Commons (1666); XV, App. 4, 80.
Macpherson, Vol. II, 521.

35. 1670 to 1768. HUDSON BAY. Joint stock. Perpetual. Exclusive trade.
Macpherson, Vol. II, 555, ff.

36. 1693. GREENLAND. Joint stock, fourteen years, £40,000 subscribed. Master and one-third mariners to be English and ships English-built.
Act of Parliament, 1693, Ch. XVII.
Anderson, Vol. III, 138.
Two Pamphlets, 1720?.

37. 1695. CHINA AND JAPAN. (See 1605 and 1635.) Proposition to establish a company.
B. M. MSS., *Additional*, 28940, f. 244.

38. 1711 to 1856. SOUTH SEA. Joint stock. Exclusive trade. Perpetual.
B. M. MSS. (Innumerable references in *Sloane*, *Harleian*, *Stowe*, and *Additional*. Including charter, papers, minutes, and correspondence 1711–1856 presented by Trustees in 1864.)
Roy. MSS. Com., *Report*, V, XIII, App. 9; XIV, App. 9; XV, App. 6; *Royal MSS.*, Report 7; *Duke of Portland*, Vol. III, 7.

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IX.—THE COLONIAL POLICY OF GREAT BRITAIN, 1760–1765.

By GEORGE LOUIS BEER,

Of New York City.

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THE COLONIAL POLICY OF GREAT BRITAIN, 1760-1765.

By George Louis Beer.

The general formula which in the eighteenth century summed up the reciprocal duties of mother country and colony was that the former owed protection, the latter obedience. Neither protection nor obedience was a strictly defined term, yet theory and custom had bestowed upon each a fairly distinct meaning. There had developed a definite plan of imperial defense, and with it also a general agreement as to the equitable apportionment of the burden thereof among the component parts of the Empire. English statesmen fully understood the doctrine of "sea power," and recognized that the safety of the Empire depended primarily upon British naval strength. The entire cost of naval defense fell on the British taxpayer, and by protection, as used in the general formula quoted above, was meant, in the main, naval defense.

There was, however, also a military side to the scheme of imperial defense, and in this the apportionment of the respective shares of the burden to be borne by mother country and colony was not so simple a matter. In time of war between Great Britain and a European power, each colony was expected to do its utmost in resisting attacks made upon it, and the colonies were also instructed to assist one another for this purpose. They were likewise expected to cooperate with the British forces in America during such a war, but the extent of this cooperation depended entirely upon the colonies, for it was recognized that the Crown had no right to command the inhabitants of the British colonies to march or sail on any expedition beyond their own limits. Thus there was no distinct theory or practice as to the extent of colonial cooperation during a war. On the other hand, the military duties of the colony in times of peace were more clearly defined.

It was a fundamental principle of English colonial administration that in times of peace in Europe the defense of the colony against any local enemy should devolve primarily on the colony itself. This principle had been departed from in a number of instances, not, however, without British protests. Garrisons were

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supported in the most exposed colonies, such as New York, South Carolina, and Georgia. The cost of these permanent garrisons in the continental colonies, that ultimately formed the United States, was, however, not very large, approximately £25,000 yearly in the fifth decade of the century.

By obedience, as used in the formula defining the respective duties of mother country and colony, was meant in general conformity with those laws passed by Parliament in the interest of the Empire as a whole. As British policy had been chiefly directed toward creating a commercial empire, rather than a closely welded political structure, these laws were in the main those regulating trade within the Empire. Obedience implied submission by the colonies to that complex system of trade regulation known as the colonial system. This system was based on the idea of reciprocity; its aim was to create a self-sufficing commercial empire, whose various elements should be mutually complementary. The colonies were to provide the mother country with tropical products and with raw materials not produced in Great Britain, and with this object in view such colonial products could be shipped only to Great Britain or to some other British colony. In the British market they were, in turn, given preferential treatment by means of direct bounties, differential duties, or by a combination of both, so that in a number of instances they acquired a virtual monopoly. On the other hand, with some important exceptions, European goods could be imported into the colonies from Great Britain alone. This, however, did not give British manufacturers a monopoly of the colonial markets, as the fiscal system was so arranged that foreign European goods could be, and in fact were, shipped in large quantities from Great Britain to the colonies on the payment of slight duties. In order to develop naval strength, all trade within the Empire had to be carried on in British or colonial ships. In the eighteenth century, prior to 1760, the general attitude of the colonies to this system was one of acquiescence. The right of the mother country to regulate trade was not questioned, but was looked upon as an equitable corollary to the protection which she afforded.

Both protection and obedience were called prominently to the attention of the British Government in the course of the struggle with France.

The English colonies were vastly superior in numbers to the French, but as Governor Glen, of South Carolina, said, they were but "a rope of sand—loose and inconnected." France was encouraged in her aggressions by this lack of union, and, in addition, the Indians were alienated from the English by the diverging and often contradictory policies adopted by the separate colonies. The problem was to conciliate the Indians, and to make effective the inherent strength

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of the English. This could be done only by a union of the colonies. Accordingly, the colonial commissioners, who in the summer of 1754 met at Albany, unanimously resolved that a union of all the colonies was absolutely necessary for their security, and a comprehensive plan for such a function was drawn up and adopted. The Albany plan had, however, to be submitted to the various colonial assemblies, who, in turn, all rejected it with the same unanimity with which it had been adopted by their representatives. This action of the colonists was decisive, for it was the understanding of the British Government that only after the adoption of this plan by the colonies themselves should it be submitted to the consideration of Parliament. The plan elaborated at Albany was in general conformity with the principle that the colonies should provide the funds for their own regular military establishment, and in this feature the Albany congress was in full agreement with the British Government, whose object in furthering a union of the colonies at this time was to provide an adequate system of defense and to prevent any increase in the cost thereof from being shifted to the British exchequer.

The unanimity of the colonies in rejecting the Albany plan made it apparent that no union could be carried into effect by their action. At the same time, the inadequate support which some of the colonies afforded to the British forces in 1755 emphasized the necessity of such a union, unless the mother country were willing to assume a disproportionate share of the cost of imperial defense. Hence, inevitably, it was suggested that Parliament create such a union. Shirley and Franklin were strongly in favor of this policy. "Till it is done," the latter wrote, "never expect to see an American war carried on as it ought to be, nor Indian affairs properly managed." The imposition of such a union by act of Parliament, as it was in direct opposition to the expressed wish of all the colonies, would have defeated its ultimate purpose, which was to secure the hearty cooperation of the colonies in the impending conflict with France. This suggestion of a Parliamentary union of the colonies, however, contained within it the idea of Parliamentary taxation. To many, in 1754 and 1755, this seemed the easiest, quickest, and consequently the most effective way to force the colonies to assist one another, and to make them assume their proportionate share of the cost of the necessary military establishment. Thus, at the very time that the colonial commissioners were sitting at Albany, the able lieutenant-governor of Virginia, Dinwiddie, in a forcible dispatch to the Secretary of State, commented bitterly on the provincial spirit of the colonies as shown in their "destructive denials of assistance" to Virginia, and suggested, as a remedy, Parliamentary taxation of the colonies for their common defense. Later in the same year, when Washington was on the frontier and the Virginia legislature was refusing to grant the needed

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supplies, Dinwiddie urged the same expedient "to awaken them from their indolence to take care of their lives and fortunes." The failure of some of the colonies to assist the British forces which had been sent to their assistance convinced others as well as Dinwiddie that Parliamentary taxation afforded the only available solution of the difficulty. Shirley, the governor of Massachusetts, and Braddock, the commander-in-chief, both advised the home authorities to this effect.

The British Government did not adopt these suggestions, and thus, in 1756, at the outbreak of formal war with France, nothing had been accomplished toward creating a regular military establishment in the colonies, which in time of peace would be adequate to protect them against the Indians and to prevent the aggression of either the French or the Spanish; and which in time of war would serve as a basis for effective cooperation with the British forces. The home government was thus compelled to rely on the old "requisition" system, though it had never worked satisfactorily. Each colony was urged to furnish as many men as possible for cooperation with the regular troops. All that the colonies were asked to do was to levy, clothe, and pay the provincial soldiers, the mother country furnishing the arms, ammunition, and provisions. In order to encourage the colonies to proceed energetically in this work, an account of their military expenses was forwarded each year to Great Britain, where Parliament yearly voted large grants as compensation to them. These grants were divided among the colonies in proportion to the activity each had displayed, and amounted to about 40 per cent of their total outlay. Despite the advantageous terms upon which colonial cooperation was sought, despite the fact that the struggle concerned their very existence as self-governing communities, the response was in many instances disheartening. In the midst of their peril the colonies kept up their reciprocal jealousies and quarrels. The most zealous and public-spirited colonies were Massachusetts, Connecticut, and New York; the most backward were Pennsylvania, Maryland, and North Carolina. The successive commanders-in-chief were kept busy persuading the colonies to grant the necessary troops. Innumerable difficulties as to time, condition, and duration of service had to be smoothed over, all wasting time and hampering military operations. Thus, though a large force was raised in the colonies, especially for the years 1758 to 1760, the requisition system had again been found wanting. In addition to its inefficiency from a military standpoint, the system was unjust. It forced an unduly large share of the burden on public-spirited colonies, like Massachusetts, whose zeal was in consequence penalized. At the same time it placed a premium on the backwardness of colonies like Maryland. It tended to make the action of the

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least zealous colony a standard by which other colonies should regulate themselves, thus diminishing the potential military strength of the colonies and forcing Great Britain to supply the deficiency. Thus the course of events during the war confirmed the conclusion reached already in 1754 that a more equitable and efficient system of defense had to be established in the colonies, and as they showed absolutely no inclination to unite for this purpose, it was apparent that nothing would be done unless Great Britain undertook the task.

While the course of events prior to and during the war had shown in a conspicuous manner the necessity of a reform in the colonial system of defense, the trade of the colonies with the enemy had, at the same time, drawn attention to the laws of trade and navigation, and especially to certain patent defects in their administration.

The English law as to trade with the enemy during war was a very clearly defined one; all commercial relations were absolutely prohibited. As the French colonies in the West Indies were to a great extent dependent for their foodstuffs on the British continental colonies, it was obvious that in case of war France would be at a great disadvantage, this source of supply being then no longer available. The British Government fully understood the situation, and in 1756, on the outbreak of the war, Henry Fox, then secretary of state, declared that the intention was to distress "the French, particularly in North America, by want of provisions." The mere prohibition of all intercourse between French and English was not sufficient for this purpose, as provisions could still be shipped from the British colonies to the West Indian possessions of the neutral powers, whence, though liable to seizure according to the English law of contraband, they might still reach the enemy. Accordingly, in 1756, the Board of Trade instructed the colonial governors to prohibit the exportation of provisions to all foreign ports. As these orders were not effective, Parliament in 1757 passed an act prohibiting the exportation of grain and other provisions, with some important exceptions, from the British colonies to any place outside the Empire. Despite this specific law and the general prohibition of all trade with the enemy, there was during the entire war considerable direct and indirect trade with the French, carried on chiefly by the continental colonies. Colonial vessels went either direct to the French West Indies, ostensibly for the purpose of effecting an exchange of prisoners, or, in direct violation of the law of 1757, carried provisions destined for the French to the Dutch West Indies. These two branches of the trade were to a great extent broken up by the activity of the ships of the royal navy in seizing vessels engaged therein. The trade was then transferred to Monte Cristi, a port in the Spanish half of Santo Domingo contiguous to the French colony. Prior to the war this place had no trade and few inhabitants; after the opening of the

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war it had been made a free port, purely for the purpose of facilitating the trade between the French and the English colonies. The trade as carried on here was in its essence a trade with the French, not with the Spanish. It reached its height in 1759 and in 1760, when as many as a hundred or even a hundred and fifty English vessels were said to have been at this port at one time. It was estimated that four to five hundred such vessels traded there in a single year. A large proportion of these vessels belonged to the North American colonies. The British navy also broke up this trade, seizing vessels bound for Monte Cristi with provisions, as violating the act of 1757, and likewise seizing vessels departing thence with French produce, as violating the "Rule of 1756."

Detailed accounts of this trade were forwarded to Great Britain and aroused the intense indignation of Pitt. On August 23, 1760, he addressed a most vigorous dispatch to the colonial governors, ordering them to put a stop to a trade by which the French are "principally, if not alone, enabled to sustain and protract this long and expensive war," and to bring "all such heinous offenders to the most exemplary and condign punishment." Despite these instructions and the frequent seizures by the royal navy, this illegal trade continued throughout the entire war, though in varying degrees and on a greatly diminishing scale after 1760. Toward the end of the war, after Spain had joined forces with France, this trade was mainly carried on directly with the French, the English colonial vessels being protected from the enemy's ships by French passes.

This trade tended to neutralize British supremacy at sea and to prolong French resistance. Thus it was said by the British governor of Guadeloupe that in the last eight months of 1759 not a single vessel had arrived from Europe with provisions for the French West Indies and that they were entirely supported by this trade from the continental colonies and by the prizes which they took. In addition, this trade enabled the French to fit out privateers and to annoy British and colonial commerce in the Caribbean Sea. Furthermore, it furnished an otherwise unobtainable market for French Colonial products. Finally it interfered with British military operations on the Continent, enhancing the price of provisions for the army and even creating a scarcity at times.

As already pointed out, the navy had been found fairly effective in checking this trade. Another expedient which naturally suggested itself for the same purpose was the enforcement of the molasses act of 1733, which had imposed very high duties on foreign rum, sugar, and molasses imported into the British colonies. Hitherto this act had been to a great extent ignored, but as sugar and molasses were virtually the only products obtained from the French, it was obvious that an enforcement of the law would be a considerable hindrance to

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this trade. Consequently during the course of the war this law was enforced as it had never been hitherto, especially in Massachusetts and in New York. From this period dates the stricter enforcement of the acts of trade. The trade with the enemy directed attention to illegal trade in general and suggested the use of the same expedients in breaking up one as well as the other. In addition, the experience gained in trying to stop all intercourse with the enemy showed a necessity for reform in the administration of the laws of trade. In part this trade had been carried on with the connivance of the customs officials, while, on the other hand, these officials had at times been deterred in the execution of their duties by damage suits in which the juries were prone to decide against them. Hence it was decided that the British customs service in the colonies must be reformed and also that at the same time these officials must be given greater security against interference with their work. Then, as some of the vice-admiralty courts, influenced by local opinion, had refused to condemn vessels engaged in this trade, it was decided to reform these courts, with a view to obviating such difficulties in the future.

The conclusion of peace with France would not of itself have allowed the British Government to withdraw its forces from America, as very shortly thereafter an Indian war of unparalleled magnitude necessitated the use of considerable military strength. In order to bring this war to a successful conclusion, the commander-in-chief was authorized to call upon the colonies for assistance, but as this was primarily a colonial war, he was distinctly instructed that no compensation for these services would be granted to the colonies by Parliament. The response of the colonies to the requisitions was extremely unsatisfactory, and the system was again found wanting. Its working at this time is best described by the governor of New Jersey, William Franklin: "The want of union among the colonies," he wrote to the Board of Trade, "must ever occasion delay in their military operations. The first that happen to be called upon postpone coming to any determination till 'tis known what the other colonies will do; and each of these others think they have an equal right to act in the same manner. This procrastinating conduct, owing to the jealousies and apprehensions each colony has lest it should happen to contribute somewhat more than its share, is the reason why the American levies are sometimes delayed till the season for action is nearly elapsed." This attitude of the colonies reenforced the conclusion already reached by the experiences before and during the war with France, that the question of defense could not with safety be left to the colonies, and that a comparatively large force of British soldiers must be permanently stationed in America. According to the well-established theory of defense, the expense in-

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curred thereby should have been borne in part at least by the continental colonies themselves. In order to apportion the expense equitably, it was decided to raise part of the funds necessary for supporting the permanent garrisons in the various parts of the Empire by a tax or a series of taxes on all the British colonies. At the same time the British Government determined that the control which it had assumed in 1755 and 1756 over the political relations with the Indians must be extended to the commercial relations as well, because the legislation of the separate colonies was lacking in uniformity and had created a good deal of friction.

It was also determined to reform the administration of the laws of trade in conformity with the experience gained in trying to stop the trade with the enemy. The object was to stop all illegal trade, as to the extent and nature of which no very definite ideas existed. Accordingly in 1763 and again in 1764 the British Government asked the colonial governors for information on this subject. Their detailed reports show conclusively that, while there were some violations of the law, they were not so extensive as to seriously impair the validity of the entire system. One act, however, the molasses act of 1733, which was not an integral part of the colonial system proper, was unquestionably extensively and in some colonies even openly evaded; the efforts made during the war to enforce it had to a great extent been lessened with the prospect of peace and its ultimate conclusion.

While the advisability of some changes in the administrative features of the laws of trade was apparent, at the same time the acquisition of Canada and of a number of islands in the West Indies necessitated some readjustment of the commercial regulations themselves.

It was also determined to adopt the policy of the molasses act with the object of hampering the growth of the French West Indies, and of correspondingly furthering the development of the British colonies in that region. There was in England widespread dissatisfaction with the treaty of peace of 1763, and a generally prevailing impression that its terms were inadequate, and that the continental colonies were the main beneficiaries of a war carried on chiefly at the expense of the British taxpayer. On the one hand, the most valuable of the French islands in the West Indies had been restored by the treaty of Paris and with them a large and profitable trade; on the other hand, it was claimed that France, by means of the extensive commerce carried on to these colonies, would be able to regain her power at sea, and once more challenge British supremacy. Hence it appeared advisable to weaken France by interfering with the sale of her West Indian produce to the continental colonies. A policy of this nature would create an increased demand for British West

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Indian produce, and would lead to the rapid development of the newly acquired islands, thus compensating somewhat for the restoration of Guadeloupe and Martinique to France.

The legislation of Great Britain in the years 1763 to 1765 was directed especially to these four points:

I. Toward readjusting the laws of trade to the new conditions; toward encouraging the production in the colonies of products which Great Britain had to buy from competing European nations; and, in general, toward increasing the mutual economic dependence of mother country and colony.

II. Toward reforming abuses in the administration of the laws of trade, with a view to stopping all illegal trade.

III. Toward checking the purchase of French West Indian products by the continental colonies, as the prosperity of the French West Indies depended largely on this trade, and thus of developing the British West Indies at the expense of the French possessions in the Antilles.

IV. Toward creating a revenue in all the British colonies in order to defray part of the expense for maintaining permanent garrisons in them.

The chief individual behind this policy was George Grenville, who in the spring of 1763 occupied the positions of chancellor of the exchequer and first lord of the treasury in the ministry in which he was the virtual head. He was the embodiment of administrative efficiency, and his motto was "economy and reform." Upon him fell the task of providing for the interest of the huge war debt and for the increased colonial budget, the aftermath of Pitt's successes. His chief attention was directed toward those features of the old colonial system which were capable of producing a revenue, and his instructions in 1763 for a stricter enforcement of the laws of trade referred primarily to the molasses act of 1733 and to the staple act of 1663. The latter act, in general, prohibited the direct importation of merchandise into the colonies from any place in Europe but Great Britain. Grenville had reason to believe, chiefly from reports of De Lancey and Colden of New York, sent during the war and after its close, that this act was not effectually enforced, and it was obvious to him that in this way the British customs revenue was somewhat diminished. The attention paid by Grenville to the financial side of the system was a marked feature of the colonial policy of the years 1763 to 1765, and was a reversion to the policy of the Stuarts. Its primary object, as developed by Grenville, was to create a colonial revenue which should in part at least defray the cost of the permanent garrisons established in the colonies.

The chief changes of a purely commercial character made in these years, from 1763 to 1765, were, first, the addition of a number of colo-

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nial products to the enumerated list, thereby forbidding their direct exportation to foreign markets. The additions were mainly commodities whose production in the colonies Great Britain was encouraging both by preferential treatment and by direct grants in their favor. Besides in 1763 the bounties on colonial indigo were somewhat readjusted and continued in effect, while in 1764 a renewed attempt was made to encourage the production of hemp in the colonies by offering high bounties thereon. These bounties on hemp, it was hoped, would counterbalance the cheaper cost of production in Russia, whence England derived her chief supply. At the same time the duties in Great Britain on beaver skins were altered, as this trade was now a British monopoly; then, in consequence of the discovery of the whale fishery in the Gulf of St. Lawrence, whale fins from America were by a change in the duties given preferential treatment in the home market, with the result that the hitherto large importations thereof from Holland into Great Britain were cut off entirely. Finally, in spite of the opposition of the northern colonies, colonial rice was allowed to be shipped direct to foreign ports in America, and in 1765 bounties were given on colonial lumber imported into Great Britain. In general, the object of this legislation was to develop, not to restrict or hamper, colonial industry.

The reforms in the administration of the system were designed to counteract the evils that had become patent during the war, and those pointed out by the colonial governors in their reports of 1763. As the navy had been fairly successful in breaking up the trade with the enemy during the war, Parliament in 1763 authorized the use of ships of the navy to prevent smuggling in Great Britain, Ireland, and the colonies. Then, on account of a lack of uniformity in the decisions of the colonial vice-admiralty courts, which was due in part to the force of local opinion and which had interfered with the efforts of the authorities to suppress the illegal intercourse with the enemy, Parliament in 1764 authorized the creation of a vice-admiralty court for all America. At the same time greater authority was given to the customs officials in America, and regulations were adopted for the better control of intercolonial trade and of the trade from Great Britain to the colonies.

The most important part of the legislation of 1764 consists in its revenue features, which at one and the same time were designed to produce a colonial revenue and to further the development of the West Indian colonies by checking the exports from the French West Indies to the British continental colonies. The sugar act of 1764 was the first Parliamentary statute whose primary purpose was to raise a revenue in the colonies, and as such it marked a distinctly new departure in colonial policy. The duties imposed by this act were of various kinds: Duties on wines imported into the colonies;

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similar duties on oriental silks and calicoes and on cambrics and French lawns, commodities whose use in Great Britain was absolutely prohibited. Then Grenville availed himself of the fact that a large quantity of foreign manufactures and other goods were exported to the colonies from Great Britain. According to the British fiscal system, these commodities paid small duties in the course of transshipment. These duties were in general doubled so as to yield in all about £30,000. The important feature of the revenue legislation of 1764 was the definite adoption of the policy of the molasses act of 1733, in a modified form, however. While the 1733 duties on foreign raw sugar imported into the colonies were retained, the duty on foreign molasses was cut in two—that is, it was reduced from a prohibitive to a revenue basis.

The net colonial revenue produced by the act of 1764 was about £25,000 a year. In addition this act, by a very rough calculation, increased the British customs revenue by about £20,000 a year through the change in duties on foreign goods exported from Great Britain to the colonies. At the time of the passage of this measure, Grenville stated his intention of further taxing the colonies, and in 1765 the stamp tax passed Parliament with virtually no opposition. The estimated yield of this tax was between £60,000 and £200,000, which would be contributed in about equal proportions by the West Indian and the North American colonies. Thus it was expected that the legislation of 1764 and 1765 would produce a revenue of from £105,000 to £145,000; this would cover from about one-third to somewhat less than one-half of the cost of the permanent military establishment in the colonies.

The revenue acts of 1764 and of 1765 produced intense opposition in the colonies. The chief objection to the act of 1764 lay in the duty on molasses, which, though lowered, was still high and seriously interfered with the exports of lumber, fish, and provisions to the foreign West Indies. It also increased the cost of production of rum, which was used extensively in the Indian trade, in the African slave trade, and in the fisheries. It hampered the most fundamental economic interests in the middle and northern colonies. As was said in 1766, "a free trade with the foreign West India Islands is of far more consequence to North America than any other considerations." In addition to the economic grievance against the act, there was the opposition to the indirect taxes imposed therein, and when, in the following year, Parliament in addition imposed a direct tax, the continental colonies were virtually in open rebellion. The colonial protests were, however, effective, and in 1766 the stamp act was repealed, as was also the onerous duty on molasses. The campaign against these measures had, however, revealed fundamental differences of opinion regarding the nature and character of the Empire,

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and these were not removed by the repeal of the specific measures complained of.

Reviewing the policy of Great Britain from 1763 on, it is apparent that the measures adopted meant greater administrative control over the colonies. This movement toward greater control was a normal result of events during the war, and of the ensuing wave of imperialism. But, at the same time, the removal of the French danger in America had snapped the chief utilitarian tie attaching the colonies to the mother country. In Great Britain during the discussions of 1760 as to the advisability of retaining Canada, it had been pointed out that if France were removed from America, the continental colonies would seek independence. This question was openly and freely discussed, and the general statement that the presence of France in America was an important element in securing the cohesion of the Empire was not even denied by those who claimed that the independence of the colonies was a political impossibility on account of their lack of union. Nor had the cooperation between British and colonial forces during the war served to draw closer the sentimental bonds. If anything, it produced the opposite result. The trade carried on by the colonies with the enemy aroused in Great Britain the intensest indignation, being considered by some not only unpatriotic, but even treasonable. In the colonies, on the other hand, the wholesale seizures of the vessels engaged in this trade were resented. Thus the removal of France from Canada destroyed the political equilibrium of the British Empire; it led to distinct desire in the colonies for greater self-government, while simultaneously there developed in Great Britain a movement in the direction of greater imperial control. These two opposing tendencies inevitably produced a conflict. In its narrower phase this conflict arose directly from the inherent difficulty of creating an efficient system of imperial defense in a loosely organized empire which shall neither bear unfairly on the purse of the mother country, nor shall offend the political principles of the colonists. In its broader phase it arose from the fundamentally antagonistic aims of the leaders in England and America, the former seeking to increase the unity of the Empire, the latter striving for ever-increasing powers of local self-government at the expense of effective imperial control.[a]

[a] Since this paper was prepared, its subject matter has been elaborated by the writer into a volume entitled "British Colonial Policy, 1754–1765," published by the Macmillan Co., New York, 1907.

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X.—WILLIAM PENN.

By EDWARD CHANNING,

Professor in Harvard University.

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WILLIAM PENN.

By EDWARD CHANNING.

William Penn, founder of Pennsylvania, was a very great man, one of the greatest Englishmen of the seventeenth century, of the century of Shakespeare and Milton, of Sir Edward Coke and Sir Matthew Hale, of John Pym and Oliver Cromwell. Although he was born in England and died there and was in America for only a few years, it may be said that few men have more keenly influenced the development of American institutions or better deserve the title of "Founder" than he who gave the impulse which resulted in the establishment of one of the greatest States in the American Union. His career has been more searchingly inquired into than that of almost any man who was interested in the settlement of the English-American colonies. Lord Macaulay's charges are known to all, and seem to have little or no foundation in fact. It is interesting, however, to note that in a private letter, the historian referred to the man of affairs as a "poor, shallow, half-crazed creature," which dictum was surely wrong in every word. Penn's colonists also turned upon him when he sought to recover from them some of the charges which he had incurred in the settlement of the province, and even his private agent felt it necessary to remind him of the advisability of carrying out his contracts. There are, indeed, in Penn's career many things which arouse inquiry and it must be said that there are many things which it would be difficult to explain away in the career of an ordinary man; but it is to be remembered that he was no ordinary man; that his life was cast in troublous times and that he had to do with many and perplexing things and with many and able men. Which statesman of the reigns of Charles II, James II, William III, and Anne was immaculate? Run over their names, Anthony Ashley Cooper, Earl of Shaftesbury, Sir Thomas Osborne, Earl of Danby, the Duke of Marlborough—where can one find the man without sin at the turn of the seventeenth century? An active man of affairs at any time is subjected to temptations commensurate to his activity, and William Penn's life was passed at a time and amid surroundings in which the ordinary rules of morality were cast to the four winds.

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William Penn was an idealist, who by fate and preference found himself at the head of great enterprises for which his talents and training did not altogether fit him. He also found himself by reason of his birth and early associations within the circle of the intimate friends of Charles and James, the second Stuart kings of those names. The friendship between two such men as William Penn and James Stuart seems to be a little incongruous, but it was not unnatural. William Penn, the admiral, father of the founder, had been James's chief of staff or confidential adviser in naval matters. The royal duke and the Quaker leader both belonged to persecuted religious sects.

Neither of them was himself in danger, but both rightly had much at heart, the protection of their coreligionists from persecution. A Roman Catholic's property was at the mercy of informers and country magistrates; so, too, was his person. To those who coveted the property of Quakers or disliked them personally, the difference between Roman Catholic and Quaker was very small, since both refused to take the oath of allegiance, and thereby subjected themselves to penalties of confiscation and imprisonment. Thousands of Quakers had been imprisoned in England since the Restoration, and Parliament had shown itself to be hostile to any relaxation of the religious laws. It was under these circumstances that William Penn fell in with the plan of the royal brothers to remodel the representation in the House of Commons by overthrowing the municipal corporations, cities and boroughs, which had existed, many of them, since time immemorial. Penn took an active part in securing the surrender of the charters, and in justifying his action declared that "when a few towns are done we may expect to hear of a Parliament to render our case legal, that our poor posterity may be preserved from the cruelty of wicked persecutors." To many Englishmen and many Americans the struggle between Parliament and the Stuart kings presented itself, and still presents itself, in the light of a life and death struggle between Protestantism and Catholicism. To them the destruction of the boroughs meant the destruction of English Protestantism and the reestablishment of the Roman Catholic faith in England. To William Penn it seemed otherwise. To him the repeal of the religious laws meant toleration for himself and his fellow-members of the Society of Friends. Perhaps he never thought the matter out to its logical conclusion. Perhaps its logical conclusion was other than is generally thought.

It is, however, as a writer on government, or rather as a lawmaker, that I wish to speak of William Penn. In the library of the Historical Society at Philadelphia there is an interesting volume of manuscript drafts of an organic law for his province. These eventuated in the formulation of the famous Frame of Government. A study of

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them failed to reveal any steps of progress in the formulation of that remarkable document; nor did it give any reason for supposing that Penn received any important suggestions from outside sources. This examination rather resulted in the conviction that the first Frame of Government was essentially his own work and that the important changes that were made in it were made at the suggestion of well-to-do Friends who proposed to invest considerable sums of money in the colony and dreaded too much democracy in its constitution of government. Pennsylvania, according to the ideas of Penn and his fellow-workers, was clearly designed to be essentially a Quaker colony, although their religious tenets forbade them to exclude any from their midst on the ground merely of religious belief. Pennsylvania, like Massachusetts, was to be a great experiment in Church and State, but, unlike Massachusetts, there was not to be that solidarity of population which gave to the northern Bible Commonwealth its greatest elements of strength, although at the cost of intense intolerance of others. A community composed entirely of Quakers could have lived without laws and without scandal, because the organization of the Society of Friends was sufficient to regulate very nearly all human affairs.

To Penn the "good of the people" was the end of government, which existed "for the good ordering of people in society." In combination with this, Penn had certain ideas of a paternal cast; the result may be seen in the preamble of the first Frame. "When," so run the words of this document, "the great and wise God had made the world, of all his creatures, it pleased him to choose man His Deputy to rule it." Penn then remarks that "governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined, too. Wherefore governments rather depend upon men, than men upon governments. After more reasoning of this kind, and trusting implicitly to the rectitude of the men who were to settle upon his land, he handed over to them the jurisdiction, retaining for himself only three votes in a council of seventy-two—at least this is the way the paper looks at first sight. The exercise of jurisdiction by the colonists he regulated in a manner which turned out to be utterly impracticable. The essence of it was an elected council of seventy-two members which should initiate all legislation. The laws formulated by this body should be posted in the most important places in the province thirty days before the election of the members of another body which was denominated the assembly. Upon meeting, this more numerous body should give the assent or dissent of the freemen of the province to the laws which had been previously propounded and posted. The unworkableness of this scheme forms the constitutional history of Pennsylvania for the next decade and a half,

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or a large part of it. The plan was unworkable for two reasons. In the first place, it left no chance for amendment after discussion, and such is the frailty of human nature that few laws of any length have ever gone through a legislative body without amendment, and almost invariably to the advantage of the measure. A more vital defect in the Frame, however, was that it proposed to take away from the more numerous branch of the legislative body, not merely the right of amendment, but that of initiative and even of discussion. The freemen of Pennsylvania before long asserted that they preferred the rights of Englishmen to the constitution of William Penn.

On his part Penn did not look upon the Frames of Government as laws, or even as binding contracts between him and his people. None of them was submitted to the English Government, as was required by the provisions of the royal letters patent. Penn evidently regarded himself as entirely at liberty to put an end to the Frame at any time by his own fiat. In 1687, Penn being then in England, appointed five commissioners of state to represent him in the colony. He ordered them to look closely into the doings of the council and assembly and to inform him in what articles those bodies had broken the Frame, "for I will no more endure their most slothful and dishonorable attendance, but dissolve the Frame without any more ado." They were to declare everything null and void which had been done since his departure from the province; but at the same time were to "love, forgive, help, and serve one another and let the people learn by your example as well as by your power the happy life of concord." But there was no concord, and Penn next appointed a Puritan governor, with the injunction to "rule the meek meekly, and those that will not be ruled rule with authority." These experiences and many others of like character, of which no mention can be made here, taught Penn many an interesting lesson. In 1699 he again came to his province and made his last attempt to settle its government. Summoning an assembly, he tried to bring the freemen to the point of asking for some definite organic law. He declared that the second Frame of Government was still in force, as he had not given his assent to the later constitutional arrangements. If there is anything in the existing law "that jars, alter it; if you want a law for this or that, prepare it." The assembly, however, declared that they would prefer to be governed according to the privileges of Englishmen. Penn, however, had a nineteenth century fondness for written constitutions, and perhaps he felt that the letters patent from the King conferred upon the proprietor such unlimited power that it was necessary to have some kind of document which would guarantee future dwellers in Pennsylvania against the tyranny of his successors. He asked the assembly and council to frame a new organic law, and advised them not to trifle with government, which he now declared

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was "made necessary by man's degeneration." In this he anticipated Rousseau by three-quarters of a century, but how far he had drifted away from the theories which underlay the first Frame of Government!

The discussion thus begun ended in the formation of the Charter of Privileges of 1701, which is the most memorable organic law of the colonial epoch. An interesting question at once arises as to how far this can be regarded as Penn's work, and how far it proceeded from the common sense and experience of the practical politicians of Pennsylvania. A survey of such records as have come down to us convinces the student that this question is absolutely impossible of answer. Penn made plans which were submitted to the assembly. The assembly made plans which were submitted to Penn; how much of the final residuum which we know as the Charter of 1701 proceeded from the idealistic notions of William Penn and how much proceeded from the experience of practical Pennsylvania politicians can not now be stated, owing to the imperfections of the records which have come down to us, and never can be stated unless some happy chance brings to light from attic or cellar some unknown document full of enlightenment on this theme.

In closing this brief statement of William Penn's political ideas and doings, one is irresistibly brought to the conclusion that William Penn was a man of the highest ideals and the noblest intentions, whose mind, however, was not fitted by nature or training to cope with practical problems of government or of business; the constitution which he made was an utter failure; the constitution which proceeded from unknown authorship remained part of the organic law of Pennsylvania until the memorable year 1776.

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XI.—SOME ASPECTS OF THE ENGLISH BILL FOR THE ADMISSION OF KANSAS.

By FRANK HEYWOOD HODDER,

Professor in the University of Kansas.

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SOME ASPECTS OF THE ENGLISH BILL FOR THE ADMISSION OF KANSAS.

By FRANK HAYWOOD HODDER.

The process of converting a Territory into a State is ordinarily a matter of purely local concern, but the position that the struggle over the admission of Kansas occupies, as the culmination of the long controversy between the sections over the subject of slavery and as the immediate prelude to the civil war, gives to every step in that process an interest and an importance that it would not otherwise have. In order to understand the particular point to which attention is to be directed, it is necessary to recall briefly the main features of this struggle. The Free-State party, repudiating the Territorial government as illegal, framed at Topeka a constitution prohibiting slavery, and applied to Congress for the admission of Kansas as a State under it. A bill granting this application passed the lower House of Congress but was rejected in the Senate. Thereupon the proslavery party framed a counter constitution at Lecompton. The convention which framed this instrument did not submit it in its entirety to the voters of the Territory, but provided that the ballots should read "The Constitution with Slavery" and "The Constitution without Slavery." Under these circumstances the Free-State men refrained from voting, and "The Constitution with Slavery" was adopted by a vote which was fraudulently enlarged to give it an appearance of respectability.

On the 2d of February, 1858, President Buchanan transmitted this constitution to Congress with a special message, in which he urged the prompt admission of the State under it. March 23 the Senate passed a bill accepting the constitution and admitting the State.[a] On the 1st of April, by a union of Republicans and anti-Lecompton Democrats, the House passed a substitute bill,[b] which had been proposed in the Senate by Mr. Crittenden and moved in the House by Mr. Montgomery, an anti-Lecompton Democrat from Pennsylvania. The Crittenden-Montgomery substitute provided that the Lecompton constitution should be resubmitted to the people of Kansas and ac-

[a] The Senate vote was 33 to 25. Douglas, Broderick, Pugh, and Stuart, Democrats; and Bell and Crittenden, Americans, voted with the Republicans against the bill.

[b] The House vote was 120 to 112: Ninety-two Republicans, 22 anti-Lecompton or Douglas Democrats, and 6 Americans in the affirmative; and 104 Democrats and 8 Americans in the negative.

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cepted only after ratification by them in a full and fair election. The Senate disagreed to the House amendment and the House insisted. April 14 the Senate asked for a committee of conference and Messrs. Green, of Missouri, Hunter, of Virginia, and Seward, of New York, were appointed the Senate members of the committee. On the following day, by the casting vote of the Speaker, upon the motion of Mr. William H. English, an anti-Lecompton Democrat from Indiana, the House acceded to the request of the Senate, and Messrs. English, of Indiana, Stephens, of Georgia, and Howard, of Michigan, were appointed the House members of the committee.

As the committee was constituted, with Green, Hunter, and Stephens committed to the acceptance of the Lecompton constitution; and Seward and Howard equally committed against it, the work of compromise naturally fell to Mr. English. A statement of what took place in the committee was subsequently given by Mr. English himself, as follows:

> As the Senate had asked for the conference, the managers on behalf of that branch of Congress were informed by Mr. English that propositions for a compromise must first come from them. If they had none, the managers on the part of the House had none, and the conference would immediately terminate. The managers on the part of the Senate made several propositions, none of which were, however, acceptable to the members on behalf of the House. The Senate committee then asked the members from the House if they had any compromise to offer, to which Mr. English replied that he had none prepared, but that he had a plan in his mind based, however, upon the principle of the submission of the question of admission under the Lecompton constitution and an amended ordinance to a fair vote of the people of Kansas; and if the committee thought it worth while he would prepare it and submit it to them at their next meeting.[a]

This was done, and on the 23d of April the English compromise was reported from the committee, Seward and Howard dissenting. April 30 the report was carried in the House by a division of the votes of the anti-Lecompton Democrats[b] and was accepted by the Senate.[c] Promptly signed by the President, it became law on the 4th of May.

The so-called "English bill" submitted the question of admission under the Lecompton constitution to the people of Kansas in con-

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[a] "A Biographical History of Eminent and Self-Made Men of the State of Indiana" (Cincinnati, 1880), Vol. II, sec. 7, p. 217. I am indebted to Mr. Charles Harker Rhodes, sometime fellow in American history in the University of Kansas, for this reference and for some other data used in this paper. Seward made a statement in the Senate, denying reported friction in the committee. (Globe, 35–1, p. 1880.)

[b] The vote in the House was 112 to 103. Of the 22 anti-Lecompton Democrats, 9 voted for the bill and 12 against it. Montgomery, by pairing with Warren, of Arkansas, virtually made 13. Wilson names the 12, Rise and Fall, Vol. II, p. 564. The affirmative were English and Foley, of Indiana, Jones, of Pennsylvania, and Cox, Cockerill, Groesbeck, Hall, Lawrence, and Pendleton, of Ohio. Cox received the largest amount of abuse. Charges of bribery were investigated in the next Congress by the Covode committee. For the total, Rhodes (Vol. II, p. 300) erroneously substitutes the vote on the Crittenden-Montgomery amendment.

[c] The Senate vote was 31 to 22. Of the anti-Lecompton Democrats, only Pugh voted for the bill. Probably others would have done so had it been necessary for its passage.

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junction with the acceptance by them of a specific land grant from the United States, viz, two sections in every township for the use of schools, two townships for a State university, ten sections for public buildings, salt springs not exceeding twelve in number with six sections adjoining each, and 5 per cent of the proceeds of the sales of public lands within the State. The ballots were to read "For proposition of Congress and admission" and "Against proposition of Congress and admission." It was further provided, that, should this proposition be rejected, the people of Kansas were authorized to frame a new constitution whenever but not before "the population of said Territory equals the ratio of representation required for a member of the House of Representatives," which at that time was 93,560.[a]

In discussions at the time, both in and out of Congress, and in the accounts given by historians ever since, the English bill has been denounced as an attempt to bribe the people of Kansas into an acceptance of the Lecompton constitution. This charge was most strenuously urged in the House by Mr. Bingham and in the Senate by Mr. Wilson.[b] In the country the bill was dubbed for partisan purposes "The English swindle," and this phrase still colors the present-day opinion of its character. Of the historical accounts the most important is the one given in Wilson's "Rise and Fall of the Slave Power,"[c] for the reason that it appears to have dominated the narratives of later writers. As Mr. Wilson was a member of the Senate at the time, and took part in the debate on the bill, it has been assumed that he not only knew the facts, but that he stated them fairly. Mr. Wilson wrote:

> The proposition of the bill was, indeed, a gigantic bribe. Bluster and bullying had been tried, exhausted, and they had failed. Mercenary considerations were now proposed, combined with the menace that if the bribe was not accepted Kansas could not be admitted until, by the gradual accretion of numbers, its population should reach the general "ratio of representation" for members of the House.

Later he quotes from his own speech in opposition to the bill the statement that it was "a conglomeration of bribes, menaces, and meditated frauds. It goes to the people of Kansas with a bribe in one hand and a penalty in the other." And finally he closes the chapter devoted to the subject by saying:

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[a] 11 U. S. Statutes at Large, 269. The possible postponement of admission until the population should equal the basis of representation was derived from the original Douglas enabling act of the first session of the Thirty-fourth Congress. The submission of the Lecompton constitution and land grant together was the logical result of the claim of Douglas that the ordinance was a part of the constitution and could not be changed without the consent of the people. (Globe, 35–1, p. 1258.)

[b] Globe, 35–1, pp. 1864 and 1874. The paragraph in Wilson's "Rise and Fall of the Slave Power," which purports to be an extract from Bingham's speech, consists of five passages taken from different parts of the speech, pieced together without regard to sense or to the order in which they occur in the original.

[c] Vol. II, ch. 42. The extracts quoted are from pages 559, 561, and 565.

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The people of Kansas had suffered too much, and were too deeply in earnest, to be seduced by the offer of the promised benefits of the bill—its liberal grants of land and its admission as a State—or driven by the menace of being kept out, to accept a constitution they had no agency in forming, and which they so thoroughly detested.

Von Holst says that "the bill to which English owes the unenviable immortality of his name was a legislative monstrosity,"[a] and devotes an entire chapter to its denunciation. Of more recent historians, Mr. Schouler says:

This degrading and dishonorable substitute, soon known as "Lecompton junior," was exposed in its weak parts as soon as it was presented. It simply proposed to bribe the harassed settlers into accepting a proslavery constitution, which they loathed, under the added penalty of being left out in the cold if they refused * * * the free-State voters of Kansas rallied, and, spurning both bribes and threats, they trampled under foot the largess of public lands and the Lecompton constitution together by a majority of ninety-five hundred.[b]

Mr. Rhodes describes the bill more temperately, but much to the same effect, as follows:

The measure offered Kansas a large grant of government lands and provided that the proposition should be voted on by the people of Kansas. * * * It was, in effect, a bribe of land to induce the people of Kansas to accept the Lecompton constitution.[c]

All of these accounts give the impression that the English bill offered the people of Kansas an exceptionally large grant of land.[d] An examination of the policy of the Government in regard to the grant of lands to new States discloses the fact that this was not the case. In the course of the successive admission of public-land States, the amount of land to be granted to each had become an absolutely fixed quantity. The enabling act for Ohio, the first of these States, granted to the new State one section in each township for public schools, in accordance with the reservation in the land survey act of 1785, certain designated salt springs and 5 per cent of the proceeds of public lands thereafter sold within the State. Under the terms of the Ohio Company and Symmes purchases, Ohio had already become entitled to three townships for university purposes. Louisiana and Mississippi, admitted in 1811 and 1817, were given only the 5 per cent of the proceeds of public-land sales. Indiana was given one section in each township for public schools; two townships, one in addition to one already reserved, for university purposes; four sections for public buildings; saline lands amounting to thirty-six sections, and 5 per cent of the proceeds of public-land sales. Illinois was given the same grant as Indiana, except that all the salt springs

[a] Constitutional History of the United States, Vol. VI, p. 234.
[b] History of the United States, Vol. V, p. 399.
[c] History of the United States since 1850, Vol. II, p. 299.
[d] Reference to similar statements in popular books could be multiplied indefinitely. Cf. Stanwood's History of the Presidency, p. 297; Elson's United States, p. 595; Merriam's Negro and the Nation, p. 151, and Adams and Trent's School History, p. 331.

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were granted in lieu of any grant for public buildings. With the admission of Missouri the grant of saline lands was permanently fixed at seventy-two sections, but in other respects the grant remained the same. Arkansas, Michigan, Florida, Iowa, and Wisconsin were given practically the same grants as Missouri, the only exceptions being some variation in the amount of land given for public buildings, and in the case of Florida four townships instead of two for university purposes, a grant which Wisconsin also eventually received in lieu of her grant of saline lands. The grant to California followed the precedent, established in 1848 in the act for the territorial organization of Oregon, of granting two sections in each township instead of one for public schools, but the grant of saline lands and the 5 per cent were withheld. With the enabling act for Minnesota Territory in 1857, the grant of lands to new States assumed its final form—two sections in each township for public schools, two townships for a university, saline lands amounting to seventy-two sections, and 5 per cent of the proceeds of public lands. The grant of land offered to Kansas in the English bill was identical with the grant offered to Minnesota the year before.*

*The grants of land to the several States are shown in the following table:

State.	Schools, sections in each township.	University, number of townships.	Public buildings, number of sections.	Salt springs, number of sections.	Land sales, per cent.	Prisons, number of sections.
Ohio	1	3	.....	(a)	b 5	.....
Louisiana	.....	.....	.....	.....	5	.....
Indiana	1	2	4	36	b 5	.....
Mississippi	.....	.....	.....	.....	5	.....
Illinois	1	2	.....	All.	b 5	.....
Alabama	1	2	c 1,620	36	5	.....
Missouri	1	2	4	72	5	.....
Arkansas	1	2	15	72	5	.....
Michigan	1	2	5	72	5	.....
Florida	1	4	8	72	5	.....
Iowa	1	2	5	72	5	.....
Wisconsin	1	d 2	5	72	5	.....
California	2	2	10	.....	.....	.....
Minnesota	2	2	10	72	5	.....
Oregon	2	2	10	72	5	.....
Kansas	2	2	10	72	5	.....
Nevada	2	2	.....	.....	5	20
Nebraska	2	2	20	72	5	50
Colorado	2	2	50	72	5	50
Dakotas, Montana, and Washington	2	2	50	.....	5	(e)
Idaho	2	2	50	.....	5	(e)
Wyoming	2	2	50	.....	5	(e)
Utah	4	f 2	100	.....	5	(e)
Oklahoma	2	(g)	(h)	.....	5	(e)

a Particular springs designated in the act.
b Two-fifths disbursed by Congress, in the case of Ohio for roads to the State, and in case of Indiana and Illinois for roads through the States.
c Acres.
d Wisconsin, by special act of December 15, 1854, received two additional townships for university purposes in lieu of her grant of salt springs.
e Large additional grants of public lands to nearly all public institutions, in lieu of grants to other States under the distribution act of 1841 and the swamp-lands act of 1850.
f And an additional grant of 110,000 acres for a university and 200,000 acres for an agricultural college.
g One section in each township, proceeds to be divided equally between State university, State normal school, and agricultural college.
h One section in each township.

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This fact was well known in Congress during the debate on the bill. The Senate bill for the admission of Kansas under the Lecompton constitution provided that nothing therein contained should deprive the people of Kansas of the same grants as those contained in the enabling act for Minnesota Territory.[a] The Crittenden-Montgomery substitute copied the land grant from the Minnesota act, as Mr. Crittenden took pains to explain when he moved the amendment in the Senate.[b] In speaking in opposition to the English bill in the debate in the House, Mr. Howard admitted that the grant was the same as that proposed to Minnesota. At this point Mr. English interrupted with the question:

I should be glad to ask the gentleman whether he is not advised of the fact that the amount of land proposed to be granted in the bill of the committee of conference is precisely the same as that proposed in the Crittenden amendment for which the gentleman voted.

To which Mr. Howard replied:

So far as the grant of land is concerned this bill and the Crittenden-Montgomery bill are identical, but the grant in the latter case is offered to Kansas under any constitution she may choose to adopt. The grant there was general, and therefore it was fair, but this grant hinges upon the adoption of this particular constitution, and is therefore unfair. It may be considered as a bribe.[c]

Not only was the grant in the English bill the same as that offered to Minnesota, it was the same as that offered to Kansas in the Toombs enabling bill,[d] passed by the Senate in 1856, the same as that contained in the Grow bill[e] for the admission of Kansas under the Topeka constitution, passed by the House at the same time, the same as the grant made to Oregon in 1859,[f] and the same as the grant under which Kansas herself was finally admitted to the Union in 1861.[g] Since that time the grants to new States, though of the same general form, have, except in the case of Nevada, been considerably enlarged. It is therefore clear that the grant of land proposed by the English bill was not in the slightest degree exceptional.

In order to explain the position of the land "proposition" in the English bill, it is necessary to review the Lecompton controversy from another point of view. Attached to the Lecompton constitution was an ordinance which requested an unusual grant of public lands—four sections in each township instead of two for public schools, all of the salt springs and mines in the State, the usual 5

[a] Senate Journal, 35–1, p. 201. Globe, 35–1, pp. 902, 1263, and 1436.
[b] Globe, 35–1, p. 1260.
[c] Globe, 35–1, p. 1857.
[d] The text of the Toombs bill, as introduced in the Senate is neither in the Senate Journal nor in the Globe, but the original bill as moved in the House by Stephens, is printed in the Globe, 34–1, p. 1514.
[e] Globe, 34–1, p. 1469.
[f] 11 U. S. Statutes at Large, 384.
[g] 12 U. S. Statutes at Large, 126.

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per cent and university grant, and, in addition, alternate sections for 12 miles on each side of two railroads, one to run north and south and the other east and west through the limits of the State.[a] The request for grants for railroads was evidently inspired by similar grants that had recently been made in other States. The Illinois Central act of 1850 had given to Illinois alternate sections for six sections on each side of a railroad to be built through the entire length of the State. Before 1857 similar grants had been made for a large number of railroads in Mississippi, Alabama, Missouri, Arkansas, Iowa, Florida, Michigan, Wisconsin, and Louisiana.[b] It therefore appeared to the framers of the Lecompton constitution that Kansas ought to receive equivalent grants and that they might as well be obtained at the time of her admission to the Union.

The Lecompton question therefore presented two points—the major one of the acceptance of the constitution and the minor one of the acceptance of the ordinance. Upon the major point the Houses disagreed, the Senate accepting the Lecompton constitution and the House refusing to do so unless it should be resubmitted and ratified by the people of Kansas. The Senate bill, accepting the Lecompton constitution, provided that nothing therein contained should be construed as an assent by Congress to the propositions contained in the ordinance of the said constitution nor to deprive the people of Kansas of the same grants as those contained in the enabling act for Minnesota Territory; and the Crittenden-Montgomery substitute,[c] passed by the House, gave to Kansas, as already stated, the identical grants that had been made to Minnesota the year before. The conference committee, therefore, in arranging a compromise, sought to emphasize the minor point upon which the Houses agreed and to minimize as much as possible the real issue upon which they divided. The only possible compromise between those who opposed and those who insisted upon a resubmission of the constitution was some sort of indirect resubmission. The English bill, therefore, put the land grant in the foreground and the constitution in the background. This arrangement enabled those who had opposed resubmission of the constitution to cover their retreat by claiming that it was the land grant and not the constitution that was submitted while it enabled those who had insisted

[a] Poore's Charters and Constitutions, Vol. I, p. 613. The General Land Office estimated that this would amount to 23,592,160 acres. (Globe, 35–1, p. 1766.) The English bill reduced the amount by about 20,000,000 acres.

[b] See "Statement of Land Grants made by Congress to Aid in the Construction of Railroads, etc.," compiled by the General Land Office, 1888, also Donaldson's "Public Domain," p. 269. The latter compilation must be used with care as it is probably the source of more misstatements in American history than any other single publication. For the land grant movement, see Sanborn's "Congressional Grants of Land in Aid of Railways," in "Bulletins of the University of Wisconsin, Economics, Political Science and History Series," Vol. II.

[c] Both bills are printed in the Globe, 35–1, p. 1436.

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upon resubmission to show that they had, after all, gained their point. The object was not so much to secure the acceptance of the constitution in Kansas, which no one seems to have expected, as to throw the bill into such ambiguous form that it would receive the assent of both Houses and restore peace, temporarily at least, to a distracted country.

It is not contended that the land "proposition" may not be construed as a bribe. In the debate in the Senate Mr. Douglas stated the case exactly.[a] The bill offered a specific grant of land in case the Lecompton constitution was accepted, but was silent as to the grant that would be made under another constitution. Friends of the bill ridiculed the idea that a provision which reduced the grant of land demanded by the Lecompton ordinance from 23,500,000 acres to 3,500,000 acres and offered only the normal cession to new States could be construed as a bribe. Even opponents of the bill conceded that Kansas would probably get the normal grant whenever admitted, but the omission to promise it raised a doubt upon this point, and by opposing a certainty to an uncertainty did offer the shadow of an inducement for accepting the Lecompton constitution.

More important was the inducement contained in the provision of the bill postponing the admission of Kansas, in case the Lecompton constitution was rejected, until the population of the Territory equaled the basis of representation, since it offered an immediate admission for an indefinite postponement. This, however, is not the provision designated as a "bribe" in the accepted accounts of the bill since in them it is described as a "threat" or a "penalty" additional to the "bribe." It was really the more vulnerable provision of the bill since it involved the inconsistent proposition that the population was large enough for admission under one constitution but not under another; or as Collamer expressed it "There were people enough to hold slaves, but not enough to enjoy freedom."[b] The position of the Administration party was that they would waive the question of population provided the Kansas agitation could be terminated, but would not do so if the agitation were to be continued. Despite the inconsistency involved in the provision, Kansas could not fairly complain of the postponement of her admission. No community can equitably claim two representatives in the upper House of Congress until its population entitles it to at least one representative in the lower House. In 1872 Congress passed a general act[c] making this requirement for all States that should thereafter be admitted, and in recent practice admission has been delayed until long after this point has been reached. For four years the country had been stirred from the depths by the Kansas issue, and the Admin-

[a] Globe, 35–1, p. 1869. [b] Globe, 35–1, p. 1819. [c] 17 U. S. Statutes at Large, 29.

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istration could scarcely be blamed for exercising its right to enforce a respite from further agitation.

When the English bill was discussed in Kansas, the speeches in Congress and the editorials in Eastern newspapers, making the charge of bribery, were reprinted in the local press, and the form of the land proposition was resented but no one claimed that its rejection would make any difference with the amount of public land that would eventually be received. A few of the leaders[a] and of the newspapers believed that it was advisable to secure immediate admission by temporarily accepting the Lecompton constitution and then calling a convention for its revision, but the section in the schedule of the constitution which provided for amendment only after 1864 raised a doubt as to whether this could be done. Nearly the whole of the free-State press and the mass of the free-State voters felt that they would stultify themselves by accepting even temporarily a constitution which they had so bitterly opposed. Accordingly, when the question was submitted on the 2d of August, 1858, the constitution was rejected by a vote of 11,300 to 1,788. This vote marks the close of the Kansas struggle in Congress, in the country at large, and in the Territory of Kansas, and this end was accomplished by the resubmission of the Lecompton constitution provided for in the English bill.

It is not intended to defend all the provisions of the English bill, but merely to show that the bill both in content and purpose was quite different from the common conception of it. The issue was between no resubmission and resubmission of the Lecompton constitution. The two inducements for accepting the constitution—the land grant and immediate admission—were the price paid for resubmission. They were not offered in the expectation that they would affect the result, but in order, by an appearance of compromise, to bridge the crisis in Congress. The bill was the trick of a shrewd politician, very similar to the subterfuge by which Clay secured the acceptance of the constitution of Missouri. It rests upon the same basis as all the slavery compromises in our history from the formation of the Constitution to the civil war. It was not the best solution of the difficulty, but the only one attainable at the time.

The restatement of this single point in the Kansas controversy suggests the necessity of a new examination of the whole subject. Mr. Rhodes has pointed out the essential fairness of the Toombs enabling bill adopted by the Senate during the Thirty-fourth Congress. If, in addition, it be admitted that the English bill, passed

[a] Robert J. Walker and Frederick P. Stanton, both stanch friends of the free-State party, advised acceptance of the Lecompton constitution. George W. Smith, governor-elect under the proposed State government, naturally took the same ground.

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by the Thirty-fifth Congress, was a fair adjustment of the existing situation, then it follows that the Democrats, conscious of the injury that the Kansas issue was working to their interests, were willing to adopt any reasonable measure for its settlement. The Republicans, on the other hand, must either have been blinded by prejudice to the fairness of the proposals made by their opponents or else have intended for the sake of partisan advantage, as was charged at the time, to keep the Kansas issue alive as long as possible. Now that the heat of controversy has passed, a study of the debates will convince the candid reader that the irreconcilables, the violent speeches, and the responsibility for the final breach were by no means all on the side of the South.

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XII.—THE ATTITUDE OF THADDEUS STEVENS TOWARD THE CONDUCT OF THE CIVIL WAR.

By JAMES ALBERT WOODBURN,

Professor of American History and Politics, Indiana University.

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THE ATTITUDE OF THADDEUS STEVENS TOWARD THE CONDUCT OF THE CIVIL WAR.

By JAMES ALBERT WOODBURN.

From July, 1861, to his death in 1868 Thaddeus Stevens was the leader of the Republican majority of the House of Representatives. He was chairman of the Ways and Means Committee of the House throughout the war, and his attention was therefore largely devoted to questions of taxation and finance, of revenues and appropriations. These subjects in time of war offer a large field of study in connection with Stevens. But the purpose of this paper is not to consider Stevens's contributions and services on these lines, but rather to bring into review his career and opinions in relation particularly to the more distinctly constitutional, political, and party issues which the war presented.

There are three salient aspects about which the political movements and controversies of the civil war may best be organized and studied: First, the relation of the war to slavery; second, the relation of the war to the Constitution; third, the effect of the war upon the political status of the seceded States and their relation to the Federal Union. These, together with the increased war powers of the President, present the essential issues and phases of the struggle in which the student of war politics will be most concerned. I shall attempt to summarize or bring into brief review Stevens's record upon these salient features of the war.

Stevens recognized as clearly as any man then in public life the seriousness of the great conflict in which the country was engaged, and in the councils of the nation he constantly insisted upon promptness, energy, and determination of purpose. To him it was perfectly clear that the slaveholders were trying to destroy the Union to save slavery; he would, therefore, destroy slavery to save the Union. The Southern States had violated the Constitution to gain their independence; Stevens would give them none of the benefits of the Constitution in the war that it was found necessary to wage upon them. These States had of their own free will repudiated the Constitution and withdrawn from the Union. He would no longer

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recognize them as sister States under the ægis of law, but having subdued them as a belligerent enemy he would hold and govern them as conquered provinces. These principles of action he laid down in the beginning, and in the pursuance of them he was clear, consistent, and undeviating from first to last. Firm of purpose and clear of vision, he had no manner of doubt as to the course the nation should pursue in the varying phases of the struggle for the Union. No one need to have been left in doubt as to his policies and plans, for among the membership of the National House he stood preeminent as a man with the qualities that a public man most needs in such a time—dauntless courage, a conscience of his own, opinions of his own, and a will of his own. He encountered no superior in intellectual combat, and in the fight he was appointed to endure he well fulfilled the canons of the strenuous game; he never flinched, he fouled no man, and he hit the line hard. An unconquerable fighter, he seemed made for a time of war, a time of storm and stress, and, his enemies themselves being the judges, he stood four square to all the winds of opposition that came. These characteristics, together with the times in which he lived and the problems which he faced, make Stevens one of the most memorable figures in our Congressional annals. I proceed to notice his war career with reference to the three aspects of the war to which I have referred—slavery, the Constitution, and the status of the States.

The immediate political effect of the bombardment of Sumter was the union of the North. All parties merged into the party of the Union. Controversies over abolitionism and slavery ceased. The voice of faction and party contention was stilled, and the leaders of all parties called upon their followers to rally around the flag and to stand for the Union and the integrity of the nation. The people responded with practical unanimity. They rallied to the support of the Government, not to prevent the spread of slavery, the issue upon which Mr. Lincoln had been elected, nor to interfere with slavery in the States, a proposal which all parties since the foundation of the Government had recognized as being without the limits of the Constitution. The war was to be for the Union. Saving the Union was to be its sole end and aim, though antislavery purposes were accomplished in the course of the war as a means to this end.

The evidence is conclusive that it was not the original purpose of the nation in the civil war to interfere with slavery. If it had been but a hundred days' war it would probably have ended with slavery intact. Hostile intention against slavery was specifically disclaimed. Mr. Lincoln disclaimed it on behalf of the Executive, and the two Houses of Congress disclaimed it on behalf of the legislative branch of the Government. In his inaugural address Lincoln recognized that the platform of his party had committed him to the "preserva-

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tion of the Union and the maintenance of the right of each State to order and control its own domestic institutions according to its own judgment exclusively," and, he added, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so and I have no inclination to do so."

Lincoln's paramount object was to save the Union. In his mind and purpose there was no change throughout the war as to the object in view. His famous letter to Horace Greeley just prior to emancipation makes this clear, wherein he said that if he could save the Union by freeing all of the slaves he would do it; if he could save the Union by leaving them all in bondage he would do it, and if he could save the Union by freeing some and leaving others enslaved he would also do that. What he did with reference to slavery he did because he thought it helped to save the Union; what he withstood he withstood for the same reason.

As it was in the mind of the Executive, so it was in the mind of Congress.

At the beginning of the war, two days after the battle of Bull Run, Congress passed, almost unanimously in both Houses, the famous Crittenden resolution setting forth the object of the war. This resolution recited, in substance, that the war was not prosecuted for the purpose of subjugating the Southern States—that is, of overthrowing their State governments and reducing them to provinces; nor for the purpose of interfering with slavery in the States, but to defend and maintain the Constitution and the laws, and to preserve the Union with all the equality and rights of the several States unimpaired. The war should accomplish these ends, and no more. This resolution voiced at the time the public opinion of the country, and almost the unanimous opinion of the Republican party. President Lincoln represented this opinion, and in a conservative spirit he attempted at first to conduct the war without interfering with slavery, on the assumption that the status of the States and their relation to the Union had not changed.

But the war made all the difference in the world. The events of but a few short months of war wrought a decided change in the purpose and temper of Congress and the country. It was seen that slavery was a source of strength to the rebellion. Conservative Union men were being rapidly and radically convinced that if the National Government did not interfere with slavery, slavery would seriously interfere with the National Government and the success of its arms. This change in policy and purpose is indicated by the fact that when the Thirty-seventh Congress came together again in its regular session in December, 1861, and an attempt was made to reaffirm the Crittenden resolution which had received such universal approval

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but a few months before, it was decisively rejected. It was rejected by a party vote upon the motion of Stevens, who had thus considerable satisfaction in seeing that at least his own party had now come to his position in asserting its freedom from a doctrinaire impediment to the conduct of the war, and that the nation was now to feel free to strike at slavery or to do whatever else would seem best calculated to promote the success of the national cause.

The events of the war had, however, made no change in the purposes and opinions of Stevens. His principles were settled, his mind was fixed from the beginning. When the Crittenden resolution had been offered in July, he objected to it and withheld his vote. He was one of four in the House who were not ready to subscribe to its doctrine. He was one of the more pronounced and radical—may we not say more farseeing?—antislavery men who believed that the rebellion must result in the destruction of slavery. He would not embarrass the Government nor prevent its dealing a blow in opposition to slavery when occasion should arise. He wanted the Government to have a free hand, an unrestricted liberty, in the conduct of the war, and he did not wish Congress to commit itself to a doctrine from which it would subsequently have to recede. He believed in the beginning what Lincoln came to believe in the midst of the war, that, in this national crisis, Congress and the President, representing the sovereign nation, had the right to take "any step which might best subdue the enemy."[a] He wanted the rulers of the nation to indulge no scruples nor lay down any generalities that would interfere with the most vigorous prosecution of the war.

Time clearly vindicated Stevens's leadership in this respect. A fortnight had not gone by after the passage of the Crittenden resolution defining the objects of the war, and giving an implied promise that slavery would not be interfered with, before slavery had become a subject of sore discussion in Congress. It came up in connection with the first confiscation act, August 3, 1861. To this measure Stevens gave his earnest support. This was the beginning of war legislation concerning slavery. It aroused opposition, because a section of the law required that owners should forfeit the slaves whom they allowed to be used in arms against the United States or to labor in forts or intrenchments, or whom they should employ in any naval or military capacity against the National Government.

In the debate on confiscation, August 2, 1861, Stevens voiced his deep opposition to slavery and his purpose to strike at that institution whenever occasion offered. He said: "God forbid that I should ever agree that the slaves should be returned again to their masters and that you should rivet again the chains which you have once broken. I do not say that this war is made for that purpose. Ask

[a] Life and Writings of B. R. Curtis, Vol. I, p. 348.

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those who made the war what its object is. Do not ask us. I did not like the Crittenden resolution, because it looked like an apology from us in saying what were the objects of the war. Those who made the war should explain its objects. Our object is to subdue the rebels." In this first discussion of the war touching slavery Stevens predicted the arming of the blacks in defense of the Union. "If this war continues and is bloody," he said, "I do not believe that the free people of the North will stand by and see their sons and neighbors slaughtered by thousands by rebels with arms in their hands and forbear to call their enemies to be our friends. I for one shall be ready to go for it—arming the blacks—horrifying to gentlemen as it may appear. That is my doctrine and that will be the doctrine of the whole people of the North before two years roll 'round."

After the rejection of the Crittenden resolution in December, 1861, Stevens wished to bring his party and the Administration to higher and more aggressive ground upon slavery and emancipation. He would speak out the whole truth whether the nation would hear or forbear. On December 3, 1861, the first day of the regular session of the Thirty-seventh Congress, Stevens introduced a joint resolution, for enactment into law, containing two propositions: The first was to strike for general emancipation as the best means of crushing the rebellion; the second, to make full payment for losses to loyal owners by this policy. His resolution asserted that slavery had caused the rebellion, and that there could be no peace and Union while that institution existed; as slaves are used by the rebels for supporting the war, and as by the law of nations it is right to liberate the slaves of an enemy to weaken his power, therefore the President should be directed to declare free and direct our generals in command to order freedom to all slaves who shall leave their masters or aid in quelling the rebellion.

His speech of January 22, 1862, on these resolutions shows him to be one of the earliest, boldest, most outspoken, and, I think, most influential of the antislavery advocates who were seeking to direct the war to antislavery ends. The House was in Committee of the Whole on the state of the Union and the debate was taking a wide range. Stevens did not expect to secure the adoption of this policy at that time and he was accused by the New York Times (January 25, 1862), of indulging in talk that was irrelevant—wasting the time of the House in talking about what was not before it. Stevens knew that Congress and his party were not yet ready to follow in the line of his proposals; and that the public sentiment of the country did not sustain his radical policy. But he wished to educate that sentiment and to lead his party in the direction which he clearly saw would ultimately be found to be essential. He felt that the National Government in the conduct of the war so far had been weak, timid, vacil-

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lating, ineffective, without appreciation of the formidable task before it. The country needed a tonic; the Administration needed nerve and a stiffened spine. Stevens would infuse more energy into the prosecution of the war, and not be afraid to employ the means at hand. He did not think it a time for honeyed words and conciliation. He was not a representative of peace and good will; he was a representative for war; the business of war was to conquer, and in the war now forced upon the nation, he stood for firm, unyielding, uncompromising force. It seems reasonable to say that in energizing the war power of the nation and leading it to lay hold of every possible weapon for overcoming resistance to the national authority there was in the national forum no stronger personal force than Thaddeus Stevens. A review of his speeches will give one a high appreciation of their educational influence in this direction.

He was bitter and unsparing in his denunciation of the Southern leaders for their course, and he sought to arouse the resentment and war spirit of the nation to crush the South. Yet he manifested a better conception of the Southern spirit and character and of the consequent nature of the task before the country than that possessed by his opponents and critics. Dismissing all hope of reunion by voluntary concession from the South, he wished to have it clearly recognized, as it should have been, that from the Southern standpoint, the separation was final, and that the Confederate States would consent to reunion only through the exhaustion of war. Stevens saw that the task could be accomplished only by the sacrifice of thousands of lives and millions of money. He recognized that the Southerners were proud, haughty, obstinate, and that their training had led them to believe that they were born to command. They had declared that they would suffer their country to become a smoking ruin before they would submit. Stevens would accept the issue. Repeating substantially a sentiment which he had uttered in the previous August, he said:

> Better lay their whole country waste than suffer the nation to be murdered. Better depopulate them and plant a new race of freemen on their desolate and deserted fields than suffer rebellion to triumph. Such is the voice of the free people of the North. If our rulers prove equal to the wishes of the people there will be no negotiation, no parley, no truce, until every rebel shall have laid down his arms, disbanded his organization, and submitted to the Government. The people are humane and this is humanity. * * * If those who have control of the Government are not fit for the task and have not the nerve and mind for it, the people will take care that there are others who have.[a]

Stevens then proceeded to consider the formidable character of the rebellion and the best method of its suppression:

> Self-preservation is the first duty of the nation. We have declared that there shall be no division of the Union; two governments shall never be permitted within the limits of the United States. There can, therefore, be no peace

[a] Globe, August 3, 1861, and January 22, 1862.

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till the rebels lay down their arms. The South with equal solemnity have declared that they will listen to no terms of peace which do not provide for the independence of the Southern Confederacy. Honor, manhood, national and personal pride, to say nothing of patriotism, forbid that either party should yield except under the most overwhelming necessity. If the Government submits to the rebels it loses its character and ceases to be a power among the nations of the earth. If the insurgents submit they forfeit the object of their highest ambition and imperil the lives of their leaders. This will never take place until they are wholly subdued.

How, then, can the South be wholly exhausted? Let us not be deceived. Those who talk about peace in sixty days are shallow statesmen. The war will not end until the Government shall more fully recognize the magnitude of the crisis; until they have discovered that this is an internecine war in which one party or the other must be reduced to hopeless feebleness and the power of further effort shall be utterly annihilated. It is a sad but true alternative. The South can never be reduced to that condition so long as the war is prosecuted on its present principles. The North, with all its millions of people and its countless wealth, can never conquer the South until a new mode of warfare is adopted. So long as these States are left the means of cultivating their fields through forced labor, you may expend the blood of thousands and billions of money, year by year, without being any nearer the end, unless you reach it by your own submission and the ruin of the nation. Slavery gives the South a great advantage in time of war. They need not and do not withdraw a single hand from the cultivation of the soil. Every able-bodied white man can be spared for the army. The black man, without lifting a weapon, is the mainstay of the war.[a]

How, then, can the war be carried on so as to save the Union and constitutional liberty? Prejudice may be shocked, weak minds startled, weak nerves may tremble, but they must hear and adopt it. Universal emancipation must be proclaimed to all. Those who now furnish the means of war, but who are the natural enemies of slaveholders must be made our allies. If the slaves no longer raised cotton and rice, tobacco and grain for the rebels this war would cease in six months, even though the liberated slaves would not raise a hand against their masters. The fields would no longer produce the means by which they sustain the war.

All admit that slavery is the cause of the war. Without slavery we should this day be a united and happy people. So long as it exists we can not have a solid Union. Patch up a compromise now and leave this germ of evil and your peace would be a curse. Your expenditure of lives and treasure would be in vain. The principles of our Republic are wholly incompatible with slavery. They can not live together. While you are quelling this insurrection at such fearful cost remove the cause that future generations may live in peace.

Stevens would have no regard for the "sympathizer with treason" who would "raise an outcry about a servile insurrection or prate learnedly about the Constitution." He thought a "rebellion of slaves fighting for their freedom was not so abhorrent as a rebellion of freemen fighting to murder the nation." He wished the Northern armies to be "possessed and impelled by the inspiration that comes from the glorious principle of freedom." He thought the North had not shown

[a] Globe, January 22, 1862.

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"the fiery zeal that impelled the South; nothing of that determined and invincible courage that was inspired in the Revolution by the grand idea of liberty, equality, and the rights of man; none of the ardor that inspired the heroes of the French Revolution or the devoted followers of Garibaldi."

Instead of being governed by that idea which renders men unconquerable we feel that while we are fighting for a compact we are fighting to rivet still stronger the chains of the slave.

Our statesmen do not seem to know how to touch the hearts of freemen and rouse them to battle. No sound of universal liberty has gone forth from the capital. Our generals have a sword in one hand and shackles in the other. Let it be known that this Government is fighting to carry out the great principles of the Declaration of Independence and the blood of every freeman would boil with enthusiasm and his nerves be strengthened for a holy warfare. Give him the sword in one hand and the book of freedom in the other and he will soon sweep despotism and rebellion from every corner of this continent. The occasion is forced upon us and the invitation presented to strike the chains from four millions of human beings and create them men; to extinguish slavery on this whole continent; to wipe out, so far as we are concerned, the most hateful and infernal blot that ever disgraced the escutcheon of man; to write a page in the history of the world whose brightness shall eclipse all the records of heroes and sages.[a]

This was effective oratory, the oratory of conviction and action. It was spoken at a time when slavery still seemed rooted and grounded in the policy of the President and of Congress and in the public sentiment of the country. Who will say that the voice of Stevens was not a powerful influence in bringing the country and its rulers to the higher plane of emancipation, to a readiness to direct the war for liberty as well as for union?

As the war continued and the Administration still seemed conservative and reluctant to pursue an antislavery policy, Stevens repeatedly expressed his dissatisfaction. Lincoln's message proposing compensated emancipation Stevens characterized as "the most diluted milk-and-water gruel proposition that was ever given to the American nation." He urged the passage of the act[b] forbidding the return of fugitives, and he favored every act looking toward antislavery ends. He said he could not approve putting generals who sympathized with slavery at the head of our armies with orders to pursue and return fugitive slaves, nor did he like it to have our forces set to guard the property of rebel soldiers. When asked if he intended his charges against the President and Secretary of War or only against the generals in the field, he said they "apply where they belong. I am no sycophant, no parasite. What I think I say. These acts have been perpetrated without rebuke. Let the world determine where the responsibility rests. I believe the President is as honest a man as there is in the world; but I believe him to be too easy and amiable,

[a] January 22, 1862. [b] March 13, 1862.

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and to be misled by the malign influence of the Kentucky counselors" and the Border State men.[a] He again urged the enlistment of negro troops and advised the Administration not to be afraid of the cry of abolitionism, but to follow out the policy of military emancipation suggested by General Hunter's order. He had no hope of success until that policy was adopted. He viewed the matter not only as a question of emancipation or abolition, but as the only means of putting down the rebellion. For rebuking General Hunter he thought the Administration deserved to be driven out, and he denounced it for refusing the liberation and employment of the slaves. He would seize all property of disloyal men as our armies advanced, and he would plant the South with a military colony if the Southerners would not otherwise submit. He would allow the soldiers, as he said, "to occupy the heritage of traitors and build up there a land of freemen and of freedom which fifty years hence would swarm with its hundred of millions without a slave upon its soil." He denounced an opponent (May, of Maryland) for saying that he would fight only for the freedom of his own race. "That patriotism," he said, "that is wholly absorbed in one's own country is narrow and selfish. That philanthropy which embraces only one's own race and leaves the other numerous races of mankind to bondage and to misery is cruel and detestable."[b]

We come now to the attitude of Stevens toward the Constitution, the constitutionality of war measures, and the effect of secession and war on the status of the seceded States.

The antislavery policy advocated by Stevens and men like him was one of the apologies for party opposition to the war. The antislavery men were accused of wishing to make the war entirely subservient to abolition and of being unwilling to see the Union restored with slavery as it was. They would not be quiet, but were obtruding their opinions everywhere, with the result that while in July, 1861, the nation was united, the Union forces were now divided, since those who wished to prosecute the war solely for the purpose of restoring the Union were alienated and estranged.[c] A large body of conservative men in the North, chiefly among those who had opposed the Republican party and Mr. Lincoln's election, looked upon the antislavery programme both as a perversion of the Constitution and an entire departure from the original and legitimate objects of the war. Under the leadership of adroit and able men these conservative Democrats and Constitutional Unionists became a compact party of opposition whose opinions and purposes may be summarized as follows:

(1) In the first place they accepted the Crittenden resolution as their war platform and they would have it clearly recognized that

[a] Globe, July 5, 1862.
[b] Globe, February 2, 1863.
[c] Diven, of New York, Congressional Globe, January 22, 1862.

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the primary and sole object of the war was to save the Union. It was not to interfere in any way with slavery. Any act or policy tending to turn the military forces of the Government from mere union-saving to abolitionism, or toward emancipation as a means of union-saving, was unconstitutional, a perversion of the object of the war and it ought to be resisted.

(2) In the second place the war must be so conducted and ended as to preserve the equality of the States. The Union was based on this equality and it must be preserved. There must be no conquest or subjugation or interference with statehood or with the rights of the States, their governments, or their domestic laws. Whoever should attempt by Federal authority to destroy any of the States, or to establish territorial government within them, was guilty of a high crime against the Constitution and the Union. The Union as it was must be restored and maintained under the Constitution as it is; and any person proposing peace on any other basis than the integrity of the States was as guilty a criminal as he who would propose peace on the basis of a dismembered Union The Southern States must not be reduced to provinces or territories, nor the Southern people regarded as alien enemies; but the constitutional relation of the States to the Union was to be recognized as being undisturbed, and the constitutional rights of the Southern people should be fully maintained. To prosecute hostilities beyond these limits, or in a spirit of conquest, would destroy State equality, subvert the Constitution and prevent the Union.[a]

(3) In the third place, as a corollary to this view, the constitutional limits set to Congressional and Executive power must be the same in war as in peace. Secession, rebellion, and war had made no change as to the power that Congress could exercise within the States, be they the States of the Confederacy or the States of the Union. The President's powers were not increased. Therefore his Executive orders, his proclamations, his military emancipation, his suspension of habeas corpus, his arbitrary arrests must all be tested by the terms and canons of the Constitution as in times of peace. "The Union as it was, the Constitution as it is," was the maxim of the party.

In the view of these constitutionalists, the Union was to be saved only by, through, and under the Constitution—nothing more nor less. They idealized the Constitution. To them the Constitution was identical with the nation. Without it there could be no Union. The Constitution gone, the Republic is dead. The war was for the preservation of the Constitution and for that alone; it was against the Constitution and because it was binding on all that the Southerners were rebels. These conservatives denounced the anti-slavery advocates as

[a] Pendleton's resolutions, July 31, 1861, Congressional Globe.

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being indifferent as to whether or not their policies were in harmony with the Constitution, and this fact made the hated abolitionists—as they called all anti-slavery men—as guilty criminals as the secessionists themselves.

In the view of this party almost everything that the President or Congress proposed or did, for the effective and vigorous prosecution of the war, was unconstitutional. Confiscation of slave property was unconstitutional; retaining fugitive slaves within our lines was unconstitutional; the military emancipation of Fremont and Hunter was unconstitutional; the use of slaves as contraband was unconstitutional; Lincoln's plan of compensated emancipation was unconstitutional; enlistment of negro troops was unconstitutional; abolition of slavery in the District of Columbia was unconstitutional; the prohibition of slavery in the Territories (with the Dred Scott decision still unreversed) was unconstitutional; the emancipation proclamation was unconstitutional; the draft was unconstitutional; the suspension of the writ of habeas corpus was unconstitutional; military arrests were unconstitutional; suspending or in any way reinstituting State governments at the South was unconstitutional; Lincoln's appointment of military governors and his beginnings of reconstruction were unconstitutional. No exercise of power was constitutional except what was unmistakably granted by a strict construction of the Constitution, interpreted as in times of peace. Instead of the war having made all the difference in the world, it had made no difference at all. The Southern States and the Southern people were to have all the rights, privileges, immunities, and benefits of the Constitution. They were not bound by its provisions in the conduct of the war, but their opponents were to be restrained from every aggressive act of power not within its specific limits. This was a fearful handicap for the National Government. Such a policy would have led to a passive and harmless war, almost purely defensive in its operations. Carried to its logical conclusion no invasion of the Southern States nor subduing of the Southern people would have been possible under it, and it is very problematical whether the Constitution and the Union could have been saved for the South under its operation.

To this party and its constitutional view Thaddeus Stevens was diametrically opposed. He was its constant and stout antagonist. He derided these sticklers for the Constitution, and in unsparing terms he denounced all their works and ways. They and he were at the antipodes of the political world, and they had but little bowels of mercy for one another. Stevens wished to establish a legal basis for the conduct of the war that would give the nation a chance to fight, and in the first discussion on slavery and the war to which I have referred (August 2, 1861) he laid down the legal and proper

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premises for that fight. He brushed theories aside, looked at the facts, saw things as they were, and he sought a basis of action best calculated to bring the result desired. He took the bold ground that in the contest for its life the nation was not bound by the limitations of the Constitution. The war had abrogated the Constitution, not where it was respected and could be enforced by ordinary civil processes, but with respect to hostile confederated States that had rejected and repudiated the Constitution, trampled it under foot, and were resisting its restoration by organized armies. The people of the Confederate States were public belligerent enemies and the nation in its effort to overcome them was bound only by the laws of war and the law of nations.

I thought the time had come [he said] when the laws of war were to govern our action; when the Constitution, if it stood in the way of the laws of war in dealing with the enemy, had no right to intervene. Who pleads the Constitution against our proposed action? Who says the Constitution must come in in bar of our action? It is the advocates of rebels, of rebels who have repudiated the Constitution, who have sought to overthrow it and trample it in the dust. Sir, these rebels who have disregarded and set at defiance that instrument are, by every rule of municipal and international law, estopped from pleading it against our action. Who then says you can not do this thing because your Constitution does not permit it? The Constitution! Our Consitution, which you repudiate and trample under foot, forbids it! Sir, it is an absurdity. There must be a party in court to plead it, and that party to be entitled to plead it in court must first acknowledge its supremacy, or he has no business to be in court at all. * * * They can not be permitted to come in here and tell us that we must be loyal to the Constitution.[a]

When he was asked how Members of Congress who had taken an oath to support the Constitution could violate it in their action, whether rebels complain of it or not, he replied that they do not violate it when they are operating against men who have no rights to the benefits of the Constitution. The law of nations was plain upon this point, the law established in the days of Cicero, "Inter arma silent leges." "This is a law that has been in force to the present time, and any nation that disregards that law is a poor, pusillanimous nation which submits its neck to be struck off by the enemy."

Mr. Mallory arose in objection: "I understand," he said, "the gentleman to admit that this bill is unconstitutional, but to defend it and urge its passage on the ground that during the existence of rebellion Congress has a right to do an unconstitutional act."

Stevens replied: "I say that it is constitutional and according to the law of nations in time of war. [Laughter.] I admit that if you were in a state of peace you could not confiscate the property of any citizen, but in time of war you have the right to confiscate the property of every rebel. The sovereign power must execute the law of nations. * * * Every measure which will enable you to subdue

[a] Globe, August 2, 1861.

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your enemy and triumph over him is justifiable on your part. If by taking from him every dollar of property which he has on earth you will weaken his hands, you are at liberty to fight him in that way."[a]

While he was urging emancipation he referred to the fact that the Constitution did not authorize Congress to interfere with slavery in the States. "True," he said, "so long as the Constitution and the laws are supreme and can be maintained by the ordinary tribunals of the country, no one would attempt it; but when the Constitution is repudiated and set at defiance by an armed rebellion too powerful to be quelled by peaceable means, the Constitution itself grants to the President and Congress a supplemental power which it was impossible to define because it must increase and vary according to the necessity of the nation."

Speaking of the Constitution and slavery later, a year after emancipation had been proclaimed, he asserted that while the Constitution protected the institution of slavery very few desired to disturb it in the States.

There were not [he said] three thousand abolitionists, properly so-called, in the United States. Before this war the parties were bound together by a compact, by a treaty, called a Constitution. They admitted the validity of municipal laws binding on each. This war has cut asunder all these ligaments, abrogated all these obligations. Since those States have voluntarily thrown off that protection and placed themselves under the law of nations, it is not only our right but our duty to knock off every shackle from every limb.

He who wishes to reestablish the Union as it was can not escape the guilt of attempting to enslave his fellow-men. The "Union as it was and the Constitution as it is," is an atrocious idea; it is man-stealing. The Southern States have forfeited all rights under the Constitution which they have renounced. They are forever estopped from claiming the Constitution as it was. The United States may give them these rights if it choose, but *they can not claim them.* If a disgraceful peace were made leaving the cause of this rebellion and the cause of future wars untouched and living, its authors would be the objects of the deepest execration and of the blackest infamy! * * * All this clamor against radicals, all this cry of the "Union as it was," is but a persistent effort to reestablish slavery and to rivet anew forever the chains of bondage on the limbs of immortal beings. May the God of Justice thwart their designs and paralyze their wicked efforts.[b]

Stevens held that in an emergency endangering the existence of the Republic the clause of the Constitution requiring the President to see that the laws are executed creates him a dictator for the time being, until Congress could be convened, which body would then possess the same full powers.

If no other means were left to save the Republic from destruction I believe we have the power under the Constitution and according to its express provisions to declare a dictator without confining the choice to any officer of the

[a] Congressional Globe, August 2, 1861. [b] Globe, January 22, 1864.

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Government. Nothing certainly would justify the exercise of this power but its necessity, to snatch the nation from the jaws of death. It is a fearful power. May the necessity never arise. But it is not so fearful as the usurpations of Jefferson Davis. The safety of the people is the supreme law. Rather than the nation should perish I would use it. Rather than see the nation dishonored by compromise, concession, and submission, rather than see the Union dissevered I would do it now. Oh, for six months of stern old Jackson!

It will be seen that Stevens's constitutional position, or extra-constitutional position, was consistent, straightforward, and outspoken. He blinked nothing, but always looked the constitutional issue squarely in the face. He made no pretenses and would resort to no forced construction to justify a course already predetermined. This is seen still more clearly in his attitude toward the admission of West Virginia.

The Constitution clearly provides that no State shall be divided except by its own consent. When Virginia seceded, the people in the western counties of the State, wishing to remain loyal to the Union, assumed to form a State Government and choose State officers and a State legislature. They elected Senators and Representatives to Congress, who were admitted to their seats. They claimed to be the people of Virginia, constitutionally competent to give its consent to the formation of a new State within the borders of the Old Dominion. This people having given its consent to the division of the old State of Virginia, immediately erected itself into the new State of West Virginia. Nobody consented except those within the limits of the new State. That is, the new State consented to the division of the old. And when the new State had been admitted according to prearrangement, Mr. Peirpoint, pretending to be the governor of the State that pretended to be Virginia, was to move over to Alexandria and keep up the pretense of being the gubernatorial head of Old Virginia, with an official body that Sumner afterwards called the "common council of Alexandria." As Stevens said, after the war, "all the archives, property, and effects of the Peirpoint government were taken to Richmond in an ambulance." This was the government recognized during the war as the legitimate constitutional government of Virginia.

There were distinguished members of Congress who sought to find ground in the Constitution, or in a fictitious construction of that instrument, for this process by which Virginia was divided and West Virginia admitted. It was not the way of Thaddeus Stevens. To Stevens the proceedings, or the arguments based upon them, were all ridiculous and absurd. He was opposed to giving seats in the House to members from Virginia after the secession of that State, for "we know," as he said, "that members have been elected to this House by only twenty votes and those cast under the guns of a fort. To say that those gentlemen represent any district is mere mockery."[a]

[a] Globe, December 2, 1861.

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Stevens was willing to accomplish the end in view, the dismemberment of Virginia and the admission of the new State, the sufficient ground for the act being that it would weaken the enemy and help the national cause. But he recognized that the legal ground for the proceeding was, not the Constitution, but the laws of war.

We may admit West Virginia [he said], not by any provisions of the Constitution, but under our absolute power which the laws of war give us. I shall vote for this bill upon that theory and that alone; for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding.

Sir, it is but mockery, in my judgment, to tell me that the legislature of Virginia has ever consented to this division. About 200,000 people out of 1,250,000 people have held a convention and elected a legislature which has assented to the division. But before all this was done the State had a regular organization and a constitution under which it acted. By a convention of a large majority of the people of that State they changed their constitution and changed their relation to the Federal Government from that of one of its members to that of secession. This is treason, but so far as the State corporation was concerned it was a valid act and governed the State. The majority of the people of Virginia was the State of Virginia, although individuals had committed treason. Their legislature which called the seceding convention was the legislature of the State. The legislature was disloyal and traitorous, but the State as a State was bound by their acts. Not so individuals. They are responsible to the General Government, whether the State decrees treason or not. Governor Letcher, elected by a majority of the votes of Virginia, is the governor of Virginia—a traitorous governor of a traitorous State. A small number of the citizens of Virginia—the people in West Virginia—assembled together, disapproved of the acts of Virginia, and with the utmost self-complacency called themselves Virginia! Is it not ridiculous?

That seems more straightforward than to stretch the Constitution by a forced and fictitious construction while claiming to respect its provisions. To a layman it seems like better law, sounder sense, and more correct political science, if the United States were to be regarded as a nation and not a mere confederacy of States.

This view of the character of the State and the effect of secession he maintained consistently on all occasions. He looked upon the Southern States as public enemies. We were at war with an acknowledged belligerent, with a foreign nation, and since such a war had annulled all former compacts existing between them neither can claim as against the other the aid of the Constitution. Stevens held that the Southern States, having committed treason, renounced their allegiance to the Union, discarded its Constitution and laws, organized a distinct and hostile government, and by force of arms, having risen from the condition of insurgents to the position of an independent power de facto, and having been acknowledged as a belligerent both by foreign nations and by our own Government, the Constitution and laws of the Union are set aside, so far as they are concerned, and that as between the two belligerents they are under the laws of war

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and nations alone. If the rebel States were still in the Union and under the Constitution, as some contended, he saw no reason why they should not elect the next President of the United States. If the rebels declined to vote, then one hundred loyal men who, as his legal opponents contended, still continued to be "the State," might meet and choose electors. The few loyal men around Fortress Monroe, or Norfolk, or Alexandria, and a few cleansed patches in Louisiana, being one-thousandth part of the State, might choose electors for the whole State. It was such reasoning that seemed like a mockery of constitutional law and political science to Stevens.

It is idle to say that individuals within the belligerent territory because they were opposed to secession and were loyal to the parent government *are the State*, though only 5 per cent of the people, and hence that the States are not at war. This is ignoring the fundamental principle of democratic republics, which is that majorities must rule, that the voice of the majority, however abandoned and wicked, is the voice of the State. If the minority choose to stay with the misgoverned territory they are its citizens and subject to its conditions. True, in dealing personally, great difference is made between the innocent and the guilty. But how can it be said that the States are not at war? The idea that a few loyal citizens are the State and may override and govern the disloyal millions I am not able to comprehend. If ten men fit to save Sodom can elect a governor and other State officers against more than a million Sodomites in Virginia, then the Democratic doctrine that the majority shall rule is discarded and ignored. Not the quality but the number of votes have the right to govern. In South Carolina a rebel's vote weighs just as much as a loyal voter's. It is mere mockery to say that, according to any principle of popular government, a tithe of the resident inhabitants of an organized State can change its form and carry on government because they are more holy or loyal.

The confiscation of property, which he favored, followed, not under the Constitution after conviction for treason, but by virtue of the laws of war. "No individual crime need be proved against the owners. The fact of being a belligerent enemy carries the forfeiture. This might work a hardship on loyal men in the South. But to escape the condition of enemies, they must change their domicile and leave the hostile State."[a]

Referring to what Lincoln had done toward reconstruction, Stevens expressed his pleasure in the fact that Lincoln had come to this view of the Constitution. He maintained that Lincoln's plan of reconstruction, while differing in details, assumed the same general ground toward the Constitution that he (Stevens) had set forth. "It proposes to treat the rebellion as a conqueror alone would treat it. His plan is wholly outside of and unknown to the Constitution, but it is within the legitimate province of the laws of war."[b] He believed, as he had previously said, that to take the property of the Confederates to pay the debts which their rebellion was piling up

[a] Globe, January 22, 1864. [b] January 22, 1862.

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was just as constitutional as to appoint a military governor in Tennessee or in Virginia.[a]

The position of Stevens was vigorously assailed by Mr. Francis P. Blair, of Missouri, in a notable speech in the House, February 5, 1864. Blair held that Stevens's policy of confiscation could only be effected by the extermination of our whole kindred race in the South. The world would expect them to shed the last drop of blood rather than to submit to such spoliation, with no alternative but to die as paupers. Europe would be justified in intervening to put down such an innovation on the code of humanity and to arrest barbarities in defiance of the law of nations. It was frenzied altruism tending to promote "amalgamation of repugnant races in the name and by the charm of equality."

Blair held that the Southern States were indestructible, that their status was like that of Missouri, whose State organization had remained loyal to the Union. All that was needed was to drive out the rebel power that was holding the State governments in duress. This duress had not extinguished the legitimate local sovereignty nor the supreme sovereignty of the General Government. Our army and navy are crushing the life out of the usurpation, vetoing what Blair called the "assumption of Stevens that the State governments in the rebel States are as perfect now as before the rebellion, and being subsisting States, capable of corporate action, they have as States changed their allegiance from the United States to the Confederate States." In this undeniable fact, as Stevens had stated it, Blair maintained that the secession doctrine was "absolutely recognized, with more distinctness than Calhoun ventured to urge it."

> Here the majority of disloyalists in a State [said Blair] have the right admitted to override a minority of loyal men and make them forswear their allegiance to the Union. No man, North or South, ever asserted the secession cause so boldly in the forum as the gentleman from Pennsylvania. He founds the rebel government on the will of a majority of the people; proclaims that the minority, though loyal to the General Government (which has a right to the allegiance of all) must abandon the States or subscribe to their authority, and insists that the usurpation has established independent States endowed with all the immunities and rights of an independent nation carrying on a legitimate war. This is the secession, abolition, absolute-conquest doctrine which the gentleman has broached, in defiance of national and State Constitutions, the law of the civilized world, and of all humanity, the responsibility for which its author is now seeking to put upon the President.[b]

On May 2, 1864, during the discussion in the House on the Wade-Davis plan of reconstruction, Stevens had occasion to refer to these criticisms. He restated his position that the South was only a belligerent, with such rights only as the laws of war might accord. The fact of their being rebels as well as belligerents puts them in

[a] Globe, December 9, 1862. [b] Congressional Globe, February 5, 1864.

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a worse predicament and only extends our rights and justifies the *summum jus* of martial law. In urging again a general scheme of confiscation he said the country should decide whether this was an unjust war, and whether the enemy is obstinate and ought to bear the burden of the war.

To allow them to plead in palliation that the enemy are our "erring brethren" would be to allow malefactors to take advantage of their own wrong. The war is unjust and deserves punishment. * * * I would take only the property of the guilty. The women and children, the noncombatants, those forced into the war, I would spare. Yet we hear a howl of horror from conservative gentlemen at the inhumanity of the proposal. A band of men formidable enough to become a belligerent have robbed the treasury of the nation, seized the public property, occupied our forts and arsenals, severed in twain the best and most prosperous nation that ever existed, slaughtered 200,000 of our citizens, caused a debt of $2,000,000,000, and have obstinately maintained a cruel warfare. If we are not justified in exacting the extreme demands of war then I can hardly conceive of a case where it would be applicable. To allow them to return with their estates untouched, on the theory that they have never been out of the Union, seems to me rank injustice to loyal men.

Stevens replied with special vigor to Blair, "whose speech," he said, "contained the distilled virus of the copperhead." He recognized that selling estates in perpetuity as the result of attainder for treason was forbidden by the Constitution; conviction for treason could work no such consequence. What he contended for was the forfeiture of the property of rebels as enemies. Blair had said that Stevens had "treated with scorn the idea that States held in duress by the rebel power have a right to look to our laws and Constitution for protection."

This [said Stevens] is a false statement of my position. If the armies of the Confederate States should overrun a loyal State and hold it in duress, that State would have a right to appeal to the Constitution for protection. But a State which by a free majority of its voters has thrown off its allegiance to the Constitution and holds iself in duress by its own armies is estopped from claiming any protection under the Constitution. To say that such a State is within the pale of the Union so as to claim protection under its Constitution and laws is but the raving of a madman.

To escape the consequences of my argument he (Blair) denies that the Confederate States have been acknowledged as belligerents or have established and maintained independent governments *de facto*. Such assurance would deny that there is a sun in heaven. They have a Congress in which eleven States are represented; they have at least 300,000 soldiers in the field; their pickets are almost within sight of Washington. They have ships of war on the ocean destroying hundreds of our ships, and our Government and the governments of Europe acknowledge and treat them as privateers, not as pirates. There is no reasoning against such impudent denials.

But it is said the Constitution does not allow them to go out of the Union. True, and in going out they committed a crime for which we are now warring against them. The law forbids a man to rob or murder, yet robbery and murder exist *de facto*. Blair says those who declare the States outlawed to

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the Union preach the doctrine of secession as much as Jefferson Davis. Does the man who declares that murder and larceny exist give countenance to those crimes? The one is as reasonable as the other. If the fiction of equity courts that whatever ought to be shall be considered as existing, if this is true then the rebel States are in the Union. If the naked facts, palpable to every eye, attested by many bloody battlefields and recorded by every day's hostile legislation, both in Washington and Richmond, are to prevail, then the rebellious States are no more in the Union in fact than the loyal States are in the Confederate States. Nor should they ever be treated so until they repent and are rebaptized into the National Union.

Stevens congratulated the country that the House had recently passed a resolution (1864) recognizing the Confederate States as a public enemy. That was the doctrine for which he had been contending. The consequences which he had sought to establish would follow as a corollary. "I have lived," he said, "to see the triumph of principles which, although I had full faith in their ultimate success, I did not expect to witness. If Providence will spare me a little longer, until this Government shall be so reconstructed that the foot of a slave can never again tread upon the soil of the Republic, I shall be content to accept any lot which may await me."[a]

These extracts will serve to make clear Stevens's attitude toward the chief issue of the civil war. Those whom he opposed will not be easily reconciled to honor his memory. As Sumner said, no one gave to language a sharper bite. His words were words of sarcasm, satire, denunciation. They aroused resentment and often left a bitter sting. His antagonists dreaded him, and he has been spoken of as a man of hate and vindictive vengeance. But there is testimony to show, from party friend and foe alike, that he was a man of deep and tender humanitarian feelings. He desired fair play and a square deal for all mankind. The punitive measures which he favored did not spring from personal feelings. It was the cause that he hated or loved. He loved justice; he entertained a deep hatred of slavery and secession, and he believed that a just punishment, as well as mercy, should be visited upon those whom he considered as the guilty authors of his country's woes. In this he was but human, a natural man begotten of passionate times, and he probably represented to a large degree the feelings of a majority of his fellow-countrymen. He deplored the compromising errors of the fathers, and his great purpose was to write the law of justice and human equality into the Constitution of his country, and he would feign no fraternal, sentimental regard for those who, as he thought, sought to violate, obstruct, or pervert these great principles of government.

[a] Globe vol. 65, pp. 2042–2043, May 2, 1864.

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XIII.—THE HISTORY OF EVENTS RESULTING IN INDIAN CONSOLIDATION WEST OF THE MISSISSIPPI.

By ANNIE HELOISE ABEL, Ph. D.

(TO THIS ESSAY WAS AWARDED THE JUSTIN WINSOR PRIZE OF THE AMERICAN HISTORICAL ASSOCIATION IN 1906.)

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THE HISTORY OF EVENTS RESULTING IN INDIAN CONSOLIDATION WEST OF THE MISSISSIPPI RIVER.

By ANNIE HELOISE ABEL, PH. D.

Sometime Bulkley Fellow in History at Yale University, later Associate Professor in History at Wells College, and now Instructor in History at The Woman's College of Baltimore.

PREFACE.

The germ of this thesis was a task, apparently an insignificant one, assigned to me in the college class room, several years ago, by Prof. Frank Heywood Hodder—a task that eventually developed, under influences the most favorable, into an earnest and prolonged study of Indian political relations with the United States. Later on, the special subject of Indian removal was offered and accepted in candidacy for the degree of doctor of philosophy at Yale University. The present paper is that dissertation thoroughly revised, rearranged, and enlarged, so much so, indeed, that the fifth chapter is wholly new and some of the other chapters are scarcely to be recognized.

In pursuit of detailed information regarding Indian migrations to the westward of the Mississippi, I have consulted books, periodicals, and newspapers of all sorts, not only in the university libraries of Columbia, Cornell, and Yale, but also in the Lenox Library of New York City and the Congressional Library of Washington, D. C.; yet, in the final result, I have used the information thus obtained only to secure general impressions of the period, the setting, or historical perspective, so to speak, and have recorded very few facts that have not been found in primary sources.

These primary sources have been enumerated and commented upon in the bibliographical guide, but there remains this to be said, that, in the body of the work, reference to them has followed one unvarying principle. For instance, where, on any subject, there are parallel authorities, such as the Clark Papers, the Jackson Papers, and the Indian Office Records, the last named has been made, for the sake of simplicity, the court of last resort and, usually, the only one appealed

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to. Then again, Indian Office manuscript records have been preferred to copies of or extracts from them found in the "American State Papers." Sometimes, however, these same "American State Papers" constitute the original source. Documents are found therein of which there is no longer any trace in the official files at Washington, D. C., yet there seems no reason to question the authenticity of the documents since it is only too evident that none too much care has been taken to preserve the Indian Office files and the original manuscript may easily have been destroyed, while, most fortunately, the printed copy of it remains intact.

In connection with the third chapter, attention should be called to the recent monumental works of Captain Mahan. Long before those works appeared and quite independently of them, from a careful perusal of Yonge's "Life of Liverpool," the Castlereagh Correspondence, and Wellington's Supplementary Despatches, I had reached, with respect to the Indian buffer State, a decision considerably at variance with the published opinions of the best secondary authorities. Captain Mahan has most gratifyingly dwelt upon and sanctioned that decision, at least, in part; but he had access to an additional great authority, the unpublished memoirs of Castlereagh.

Sometime since, Mr. Ulrich Bonnell Phillips, of Wisconsin University, published a monograph on "Georgia and State Rights," to which I am immeasurably indebted; inasmuch as it contains an exhaustive treatment of the "Creek Controversy" and of the "Cherokee Expulsion." It is true, I had already arrived at the same facts and conclusions by personal investigation, but I had not yet brought them together in a finished product. My studies had, however, rendered me competent to judge of Mr. Phillips's work, and I at once recognized its very great merit. Naturally enough, I felt some hesitancy about introducing similar chapters into my own thesis, but continuity of thought demanded that I should. The Creek and Cherokee troubles have a place in the history both of State rights and of Indian removal, and can not logically be omitted from either. Besides, I have gone further into the primary sources than did Mr. Phillips; for he does not seem to have used J. Q. Adams's Diary, the Jackson Papers, the Curry-Schermerhorn Papers, the "Missionary Herald," the Indian Office files and letter-books, nor even the manuscript reports of Andrews, of Crowell, and of Gaines. None the less, he had a slight advantage over me in personal access to the Crawford, Draper, Hawkins, and Wilson Lumpkin Papers, although they were not especially productive. At all events, Mr. Phillips offers no data as coming from them that I have not found more adequately elsewhere. Nevertheless, I have noted their titles in the bibliography; because no account of sources for the period could be considered complete without them.

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It is sincerely to be regretted that various travel narratives, particularly some of those recently issued under the editorship of R. G. Thwaites, did not appear in time for their exceeding interest to be reflected, and, perchance, an occasional incident from them to be embodied in the present paper. Indian removals were to so great an extent brought about by the pressure of western settlement that even the faintest of lights thrown upon the conditions of that settlement may be, in reality, a guiding star to further research. Hopes are entertained that at no distant day I may be able to continue the present work along the line of the effect of the actual removals and then an opportunity will be given for a more extensive inclusion of descriptive material.

Both in the course of the long years of investigation and in the months of final revision, I have met with courtesies great and small from librarians, clergymen, government officials, and colleagues, to all of whom I take this opportunity of expressing my most sincere thanks, such thanks, indeed, as are especially due for generous cooperation in the reading and copying of the manuscript to my sister, Lucy E. Abel; and, for helpful suggestions to E. B. Henderson, of the Indian Office, to Charles H. Hull, of Cornell University, and to A. C. McLaughlin, of Chicago University.

In a more particular way I wish to acknowledge my indebtedness to the Rev. Joseph Hooper, of Durham, Conn., who has furnished me gratuitously with carefully made copies of all such Hobart Papers as bear upon the movements of the Oneida Indians; to my father and mother, whose sympathy in the undertaking has made its completion possible; and also, to my instructors, Professors Edward Gaylord Bourne, George Burton Adams, and Frank Heywood Hodder, who by precept and example have been a constant inspiration to steadiness of purpose, thoroughgoing work, and sound scholarship.

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CHAPTER I.

THE ORIGIN OF THE IDEA OF REMOVAL.

The Louisiana purchase is justly regarded as one of the most important events in American history. Studied as it has been from every conceivable point of view—economic, political, constitutional—it is remarkable that no one has as yet determined its true relation to the development of the United States Indian policy. This can be accounted for only on the supposition that the native tribes have played but a sorry part in national affairs. Their history, except at rare intervals, has excited little comment; and in a very few instances only has it aroused enough interest to make it the subject of special study. Such study has recently shown that the purchase of foreign territory in 1803 brought out the first explicit statement of the removal idea. The importance of this can not be overestimated; for removal is the significant thing in later Indian history. The term itself implies the interference of the Government in Indian migrations, and is the expression of a distinct policy that sooner or later modified the whole character of official relations with the tribes.

Whatever may have been Jefferson's private views on the legality of expansion, it is certain that he did his best to validate the purchase of Louisiana. In fact, he took it upon himself in July of 1803 to draw up a rough draft[a] of a constitutional amendment which should cover that questionable exercise of the treaty-making power. The proposed amendment is cumbersome, heavy with details, and has little historical value beyond the light which it throws upon Jefferson's personal opinions. It failed to become a part of the supreme law of the land and would be unnoticed here were it not for the fact that it contains the first direct and, at the same time, an official advocacy of Indian removal. Indeed, it has Indian removal for its central idea, and therefore deserves, in spite of its awkward style to be quoted in full:

> The province of Louisiana is incorporated with the U. S. and made part thereof. The right of occupancy in the soil, and of self-government, are confirmed to the Indian inhabitants, as they now exist. Pre-emption only of the portions rightfully occupied by them, & a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property & sovereignty in whatever is not or shall cease to be so rightfully occupied by them shall belong to the U. S.
>
> The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full rights for lands possessed by

[a] Ford's "Jefferson," Vol. VIII: pp. 241–249.

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Indians within the U. S. on the East side of the Missisippi: to exchange lands on the East side of the river for those of the white inhabitants on the West side thereof and above the latitude of 31 degrees: to maintain in any part of the province such military posts as may be requisite for peace or safety: to exercise police over all persons therein, not being Indian inhabitants: to work salt springs, or mines of coal, metals and other minerals within the possession of the U. S. or in any others with the consent of the possessors; to regulate trade & intercourse between the Indian inhabitants and all other persons; to explore and ascertain the geography of the province, its productions and other interesting circumstances; to open roads and navigation therein where necessary for beneficial communication; & to establish agencies and factories therein for the cultivation of commerce, peace, & good understanding with the Indians residing there.

The legislature shall have no authority to dispose of the lands of the province otherwise than as hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies South of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government, either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U. S.

An analysis of the proposed amendment will reveal some interesting particulars. It is a fair illustration of what the American Constitution might have been had it been framed exclusively by the party that believed in the doctrine of express powers. Such things as are discussed at all are discussed in detail. Topics of slight and transient importance receive as much attention as those that are fundamental in their nature. With respect to the subject-matter, it may be said that the greater part is devoted to the Indians. The purchase of Louisiana is not mentioned and, except in the first, or incorporating, clause, there is no indication that any change whatever had taken place in the ownership of the province. This seems strange; because, apparently, the chief object of the amendment was to validate the recent acquisition of foreign territory.[a] The real difficulties that confronted the strict constructionists seem to have been dodged. Only one constitutional impediment is referred to, and that is the question touching naturalization. Such an amendment, had it ever been accepted, would scarcely be considered as conferring a grant of power to acquire any other territory. It might even be seriously questioned whether it legalized the one under discussion. From one point of view it complicated matters. As events have turned out, precedent has been the authority for later acquisitions. Had there been a special amendment to validate the purchase of Louisiana, similar special amendments would have been necessary for the subsequent incorporation of Florida, Texas, the western country, Alaska, Hawaii, Porto Rico, and the Philippines.

In at least one respect Jefferson was, contrary to his custom, consistent with himself. He prepared a document that would permit of literal interpretation only. This makes the new amendment, when

[a] Ford's "Jefferson" VIII: 241, note.

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compared with the Constitution proper, seem to contain a good deal of irrelevant matter. Why, for example, should Jefferson have taken advantage of the occasion to exploit his favorite scheme of traversing the western country and of establishing trade relations with the Indians of the plains? Surely it was not necessary to burden a fundamental law with the details of an exploration. The truth is that Jefferson was, for some reason, intent upon giving what must have seemed undue attention to the Indian side of the Louisiana purchase. He also looked forward to the future condition of the lower part of the province; that is, to its territorial organization and eventual admission to statehood.

As has been already intimated, the greater part of the proposed amendment was taken up with a provision for the Indians and the substance of that provision was the removal of the eastern tribes to upper Louisiana. That meant the planting of Indian colonies north of the thirty-first parallel. The idea marks an epoch in Indian history. It seems to have been spontaneous with Jefferson;[a] for, in all preceding communications,[b] official or otherwise, he appears to have regarded absorption, or perhaps, amalgamation, as the only possible solution of the Indian problem. Even as late as February of 1803[c] he advocated this most strongly in a letter to Benjamin Hawkins. In the following April he wrote[d] to John Bacon, with whom he was conferring on Indian affairs. The cession of Louisiana had then become an assured thing; but still there was no mention of Indian removal. It is true there is in the letter to Bacon an ambiguous statement to the effect that settlements, strong enough to ward off

[a] As far back as 1800 (Ford's "Jefferson," VII: 457), he had discussed with James Monroe, governor of Virginia, the advisability of transporting fugitive and insurgent negroes. A year later (ibid., VIII: 103–106, 152–154, 161–164) he went the length of proposing to colonize them on land purchased in the northwest, in Canada, or in the West Indies; but, before the issue of the constitutional supplement in the summer of 1803, there is positively no trace of a plan for doing the same thing with the Indians.

[b] Some writers, notably Charles C. Royce (Annual Report of the Bureau of Ethnology, 1883–84, p. 202), attribute the origin of the removal idea to the confidential message which Jefferson sent to Congress January 18, 1803 (Richardson, I: 352–354); but there is really nothing in the document to support the claim. Mr. Royce seems to have mistaken the desire to establish trading posts on the Mississippi and its branches as a desire to plant colonies. It must be admitted, however, that Jefferson's phraseology in this particular instance is a trifle misleading. Were the evidence not so strong in favor of the assertion that the Lewis and Clark expedition was an early dream of Jefferson's, we might be led to believe, as Mr. Royce was, that when he spoke "of planting on the Mississippi itself the means of its own safety," he was referring to the planting of Indian colonies and not to the establishing of trading posts. There is nothing else in the message that could be construed as relating in any way whatsoever to removal. Jefferson's correspondence does not serve to deepen, in the slightest particular, the impression that the idea of removal had been conceived in the beginning of the year. In January the Administration had not been approached on the subject of buying the whole of Louisiana. The eastern bank of the Mississippi was the only one in the possession of the United States, and it is not to be supposed for a moment that the western people would have consented to let the Indians control it. The confidential message of January 18, 1803, has about it an air of secrecy. Jefferson was plotting to secure the monopoly of the valuable fur trade of the far west and northwest. His language was circumspect, and it had need to be.

[c] Ford's "Jefferson," VIII: 213–215.

[d] Ibid., VIII: 228–229.

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intruders, ought to be planted on the Mississippi; but the context shows that the writer had reference to white settlements only.

Removal, as the term is technically used in American history, was apparently not only spontaneous, but absolutely original with Jefferson.[a] The inception of it has been credited to General Knox,[b] but his correspondence, voluminous as it is, is silent on the subject. It would seem more natural to think of his successor in Washington's Cabinet, Timothy Pickering, as the originator; for he was known to be greatly interested in the Indians and to hold very advanced ideas with respect to their civilization.[c] The fact is, prior to 1803, the carrying out of any such project would not have been practicable. Even with Jefferson the idea was probably not the result of long study but was called forth by the conditions of the Louisiana purchase. There are a few colonial precedents for Indian removal on a small scale.[d] With these Jefferson may have been familiar, yet he could well have been independent of their influence; because his scheme was so entirely different from anything that had thus far been undertaken. Jefferson contemplated the organization of what would have become an Indian Territory, perhaps an Indian State, to which all the tribes might be removed, while the colonies simply provided reservations, more or less distant, for fragmentary bands. All such schemes may, however, have had their rise in the familiar nomadic tendencies of the aborigines. The Indian, it was thought, could be easily uprooted and transplanted; for was he not a wanderer by nature, a voluntary exile?

Various theories may be advanced to explain Jefferson's interest in the Indians at this particular time. It is quite likely that he was seeking a legitimate use for what the Federalists chose to call a *wilderness*.[e] This may account for the subordination and even for the omission of constitutional matter in the proposed amendment. The constitutional objections to the purchase of foreign territory would naturally come from his own party. He was sure of its support, therefore he turned to meet, as best he could, the objections of his enemies. The objections were, to say the least, absurd. They covered exaggerated accounts of the magnitude of the price, of the uselessness of the land, and of the disadvantages, yea, disasters, that might come from too great an enlargement of the Union and disintegration of its people.[f] Jefferson's own reflections show that he wished at the same time to remove the immediate cause of Indian wars. He had always held that they were an unnecessary drain

[a] The honor of suggesting it to Jefferson was claimed for the Tennessee legislature. ("Nashville Republican and State Gazette," December 18, 1830.)

[b] Otis, p. 92.

[c] Upham's "Pickering," III: 156.

[d] Osgood, I: 536–540; Annual Report of the Bureau of Ethnology, 1896–97, pp. 573, 590.

[e] McMaster, II: 630–632.

[f] Ford's "Jefferson," VIII: 243, note.

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upon the public treasury, and, in introducing his system of public economy, he aimed at diminishing the number of Indian expeditions. In a sense, removal was the logical outcome of such a policy. Could the Indians be moved westward, Indian wars would cease; because encroachment upon Indian land would cease. In this way the cost of Louisiana would soon be offset.

Furthermore, Jefferson must have had a clear impression of the obligation that had been put upon him and upon the nation by the Georgia compact of 1802.[a] He was a strict constructionist. He believed in State rights. To him the compact with a sovereign State could not have been a dead letter—a mere ruse to enable the Federal Government to get possession of the western lands. It must be admitted, however, that there is not the slightest allusion to the Georgia compact in his correspondence of this period, yet it is fair to suppose that he could not have forgotten a circumstance so recent. The disputes with Georgia, involving the title to the present States of Alabama and Mississippi, together with the resulting covenant and all that it entailed, were still a subject for discussion. Consequently Jefferson must have remembered only too well that the Federal Government, for a material consideration, had solemnly promised to extinguish, at its own expense, the Indian title within the reserved limits of Georgia as soon as it could be done "peaceably and on reasonable terms." The purchase of Louisiana paved the way for the immediate fulfillment of the promise. That this plan of keeping faith did commend itself to the statesmen of the time is shown by subsequent Congressional debates. There is an occasional reference, for instance, to the removal of the Creeks, who were almost exclusively Georgia Indians.

A further examination of the proposed amendment shows that Jefferson had other reasons for wishing to bring the Indians together west of the Mississippi. Pioneers, daring adventurers, had been wont to settle in isolated spots, far removed from each other. The detached homes proved an easy mark for Indian attacks. This was the condition of affairs on both sides of the river. Therefore, to avoid unpleasant complications and doubtless to guard against expense, Jefferson thought it would be advisable to consolidate the white men and forbid settlement except in compact form. He proposed that the white settlers west of the river should be induced to trade land with eastern Indians. This would leave the field open for the planting of Indian colonies in upper Louisiana. At the same time, another object, equally important, would be attained. The settlers, living on the frontier, had much to dread from the jealousy of Canadian trappers and from the rapacity of Mexican freebooters; but, if an Indian Territory were to be established west

[a] American State Papers, "Public Lands" I: 125–126.

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of the Mississippi, the red men would shield the white. No suspicion seems to have been raised in Jefferson's mind that the Indian and the Mexican had much in common and that they were likely to become allies, thus increasing instead of diminishing the danger.

It should be remarked that Jefferson, in providing for the disposal of upper Louisiana, was neither blind nor wholly indifferent to Indian interests. The amendment secured possession to the Indian emigrant under constitutional guaranty. The occupancy title could in no wise pass away by simple legislative act. A new amendment to the Constitution would be necessary to effect a legal transfer to white people. Yet everythng goes to show that he regarded the Indian claim as provisional only. The occupancy would be but temporary, which was wholly inconsistent with Jefferson's known views on Indian sovereignty. As a State rights man, he should have been unalterably opposed to the recognition of Indian claims in perpetuity, yet we find him, as a Cabinet officer under Washington, pursuing an opposite course. On one occasion, when in conference with General Knox, he actually argued that the Federal Government had no more right to grant land to the Indians than to cede it to a European power; inasmuch as the land so conveyed was just as likely to continue in the permanent possession of the one as of the other. His views had assuredly undergone a change before July of 1803. From what he wrote then it can be inferred that the Indian might be dispossessed at pleasure. He might hold the land, but only until the white man had need of it.

A question may be raised as to why the southern line of Indian colonization was drawn along the thirty-first parallel. European settlers had ventured still farther north, therefore their presence could not have determined the limit. Had it been intended to place the Indians south instead of north of the line we might have been led to suppose that the thirty-first parallel was henceforth to mark the southern boundary of what was purely United States territory; or, in other words, that the line, running through the Louisiana purchase and separating the red men from the white, was to be a western extension of the old United States line. Even then a difficulty would arise; for Jefferson had a notion that Louisiana included the whole of West Florida. If the theory of arbitrary choice be rejected, one must seek an explanation in a detailed study of the geography of Louisiana, although it is quite possible that the line of thirty-one degrees was selected solely because the people of the United States had more reason to be familiar with that parallel than with any other, it having been the scene of contention in connection with the northern limit of the Floridas.

Jefferson submitted the proposed amendment for critical perusal to Robert Smith, Secretary of the Navy. As it turned so largely on Indian affairs it would have seemed more natural to refer it to the

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Secretary of War. Robert Smith had no official dealings with the Indians, and does not appear to have been particularly intimate with Jefferson. However, he criticised the draft at considerable length. Some of his remarks were exceedingly well made. He pointed out that, if the amendment were adopted as proposed, the Constitution would be burdened with unnecessary details. He objected to the preponderance of Indian matter on the ground that, if the Indians received a constitutional guaranty of possession in the western land, their occupancy might, at some future time, seriously embarrass settlement, and, perhaps, prove a source of endless trouble on the southern frontier. He therefore suggested such changes as would accomplish the object most to be desired—that is, gradual and compact settlement, and yet not insure to the Indians anything more than a temporary asylum. He omitted the specific mention of removal and ran the demarcation line one degree farther north. The change in the location of the line may have been unintentional; but it is more probable that Smith took careful note of the settlements north of the thirty-first parallel and purposely abandoned all thought of making an exchange with the eastern Indians.

JULY 9, '03.

SIR.—I am greatly pleased with the ideas suggested in the proposed amendment of the Constitution and I sincerely hope that they will be adopted by the Legislature of the Union. But I am rather inclined to think that they ought not all to be ingrafted upon the Constitution. Your great object is to prevent emigrations excepting to a certain portion of the ceded territory. This could be effectually accomplished by a Constitutional prohibition that Congress should not erect or establish in that portion of the ceded territory situated North of Lat. 32 degrees any new State or territorial government and that they should not grant to any people excepting Indians any right or title relative to any part of the said portion of the said territory. All other powers of making exchanges, working mines etc. would then remain in Congress to be exercised at discretion; and in the exercise of this discretion, subject as it would be to the three aforementioned restrictions I do not perceive that any thing could be done which would counteract your present intentions.

The rights of occupancy in the soil ought to be secured to the Indians and Government ought, in my opinion, to endeavour to obtain for them the exclusive occupation of the Northern portion of Louisiana excepting such posts as may be necessary to our trade and intercourse with them. But ought not this to be a subject of legislative provision? If the Indian rights of occupancy be a part of the Constitution might not the Government be hereafter thereby much entangled? Under such a Constitutional guarantee the Indians might harass our military posts or our settlements in the Southern portion or elsewhere in the most wanton manner and we could not disturb their rights of occupancy without a formal alteration of the Constitution.

Under the idea that so many & such undefined restrictions as you have proposed to be engrafted upon the Constitution might in process of time embarress the government and might not be acceptable to Congress, I have respectfully submitted to your consideration the enclosed sketch.

"Amendment proposed to the Constitution to be added to S. 3, Art. 4.

"Louisiana being in virtue of the Treaty etc. incorporated with the United States and being thereby a part of the Territory thereof Congress shall have

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power to dispose of and make all needful rules and regulations respecting the same as fully and effectually as if the same had been at the time of the establishment of the Constitution a part of the Territory of the U. States: provided nevertheless that Congress shall not have power to erect or establish in that portion of Louisiana which is situated North of the Latitude of /32/ degrees any new State or territorial government nor to grant to any citizen or citizens or other individual or individuals excepting Indians any right or title whatever to any part of the said portion of Louisiana until a new Amendment of the Constitution shall give that authority." [a]

Jefferson did not restrict the expression of his views to constitutional amendments; but, in correspondence with his friends, enthusiastically explained the removal project. On the 11th of July [b] he wrote to Horatio Gates enlarging upon the wisdom of inducing the migration of eastern tribes. A few days later he sent to Clark,[c] of New Orleans, and to William Dunbar certain queries bearing upon Louisiana, the Indians, and their land titles which indicate that the subject was engrossing his attention. His very enthusiasm seems proof positive that the idea of removal was a new one to him. It was an idea suggested by the acquisition of unoccupied land. Jefferson's opinions were still unchanged when he wrote to John Dickinson [d] and to John Breckinridge,[e] respectively, the 9th and 12th of August. He urged the attendance of Western members [f] at the coming session of Congress, in order that the matter might be brought to a successful issue. Within a week thereafter circumstances had changed the whole aspect of affairs.[g] News had come from Livingston that Napoleon was somewhat disturbed by French discontent, possibly also by Spanish protests. The terms of the secret treaty of San Ildefonso had not been complied with, and Spain, supported by Great Britain, was threatening to contest the title to Louisiana. Plainly the thing to do was to close the negotiations as soon as possible,[h] hasten ratification in the Senate, and trust to the future for a settlement of all disputes. Jefferson hastily prepared another constitutional draft [i] and sent it to Madison, to Levi Lincoln,

[a] Ford's "Jefferson," VIII: 241–242, note.
[b] Ford's "Jefferson," VIII: 249–251.
[c] Ibid., pp. 253–255, and notes.
[d] Ibid., pp. 261–263.
[e] Ibid., pp. 242–244, note.
[f] Ibid., p. 244, note.
[g] Ibid., pp. 244–245, note.
[h] Ibid., pp. 246–248, notes.
[i] Louisiana, as ceded by France to the U. S. is made a part of the U. S. Its white inhabitants shall be citizens, and stand, as to their rights & obligations, on the same footing with other citizens of the U. S. in analogous situations. Save only that as to the portion thereof lying North of an East & West line drawn through the mouth of Arkansa river, no new State shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until authorised by further subsequent amendment to the Constitution shall be made for these purposes.

"Florida also, whenever it may be rightfully obtained, shall become a part of the U. S., its white inhabitants shall thereupon be Citizens & shall stand, as to their rights & obligations, on the same footing with other citizens of the U. S. in analogous situations."—Ford's "Jefferson," VIII: 241–245.

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and to Gallatin. The excitement of the moment had not destroyed his interest in removal; but to some extent he heeded the advice of Robert Smith. The second draft aimed to be a grant of general powers; but it simply validated the purchase of Louisiana and provided for Indian occupation north of a line drawn east and west from the mouth of the Arkansas River. This ended the matter for the time being. Subsequent events prevented Congressional action and the Constitution was never amended along the lines laid down by Jefferson.

Whether or not Jefferson immediately abandoned his scheme for the colonization of upper Louisiana is impossible to determine. Neither his message to Congress, October 17, 1803,[a] nor his letters to confidential friends contain any reference to the subject that had so deeply interested him in the early summer, yet the Annals of Congress bear witness that his ideas had extended beyond the Cabinet circle. Both in the Senate debates[b] and in the House debates[c] on questions growing out of the cession, an occasional argument was given for or against Indian occupancy. The records are, of course, meager and much may have been said though little was reported. To all appearances, if removal was ever more than incidentally mentioned in the Eighth Congress, it was discussed as a secondary matter only and never once upon its own merits. Probably the statesmen of the day thought there were other things of far more importance. Nevertheless, the ideas of Jefferson must have carried some weight with them; for, when the Louisiana territorial act of 1804[d] was finally passed, it contained a clause[e] which empowered the President to effect Indian emigration. The act likewise divided the province of Louisiana into two districts, separated from each other by the thirty-third parallel. Presumably the understanding was that the Indian colonies should be planted in the northern; but the people of Louisiana protested vigorously and their remonstrances may have been a determining reason why Jefferson's scheme had practically to be abandoned for more than twenty years. Its abandonment may, however, have contributed to produce such peaceful conditions in Louisiana that the so-called Aaron Burr conspiracy was, as McCaleb has so ably argued, an utter impossibility.

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[a] Richardson, I: 357–362.

[b] Annals of the Eighth Congress, pp. 33–34, pp. 40–41.

[c] Ibid., p. 440.

[d] 2 United States Statutes at Large, pp. 283–289.

[e] Section 15. "The President of the United States is hereby authorized to stipulate with any Indian tribes owning land on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any, foreign power, individual State, or with the individuals of any State or power; and that they will not sell or dispose of said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. * * *"

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Chapter II.

UNSUCCESSFUL ATTEMPTS TO EFFECT REMOVAL DURING PRESIDENT JEFFERSON'S ADMINISTRATIONS.

Although the real history of Indian removal dates from 1803 it was a long time after that before the Federal Government saw fit to adopt systematic migrations as a part of its regular policy. The intervening years were years of development. Changes took place, not so much in the idea itself as in the conditions that gave rise to it. For a period immediately succeeding the purchase of Louisiana the United States was distracted by a divided interest in France and Great Britain. The very independence of the young western nation seemed to be involved in the disturbances of Europe. Sentimental regard for France, indignation against the United Kingdom on account of real or fancied wrongs, and the arbitrary sacrifice of New England commerce, divided the sections and threatened the integrity of the Union. It is not to be wondered at, therefore, that the idea of Indian removal failed, at the time of its origin, to appeal to the mass of the American people. Its development toward a national policy was exceedingly slow and practically covered a period that extended to 1817.

During a part of that time Jefferson himself was absorbed in other things. He had apparently forgotten his former advocacy of Indian colonization. Perhaps he had come to doubt its efficacy. Otherwise, why, in his inaugural speech of 1805,[a] did he so earnestly advise the old plan of amalgamation to the evident exclusion of any other? Contemporaries a little later sought to find in the march of emigration westward an explanation for the decline in his enthusiasm. They claimed that upper Louisiana[b] was not organized as an Indian Territory in 1803; because the white people anticipated matters by rushing across the Mississippi and establishing a prior claim to the land. This can hardly be accepted as sufficient excuse for the delay, inasmuch as the same obstacle must then also have existed, and in a greatly exaggerated form, twenty years later. Besides, the land was not needed for the white people in 1803. Emigration from Europe, except by army and navy deserters, was not particularly strong during the stormy period preceding the war of 1812, and the pressure of

[a] Richardson, I: 378.
[b] Gales and Seaton's Register, VI: 1064.

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population was certainly not yet felt in the Eastern States. Moreover, had the Government been fully resolved to colonize the Indians, it would have been a comparatively easy matter to have dislodged the trespassers.

A much more satisfactory and, in a sense, confirmatory explanation of Jefferson's apparent indifference may be surmised from a letter of instructions which the Department of War addressed to William Henry Harrison[a] June 21, 1804. "On the subject of an Exchange of lands with the Delewares & other Indians, It is conceived it would be improper for the Government untill[b] it shall have obtained more particular information relative to the existing claims to the lands in Louisiana to enter into any stipulations with any of the Indian Nations on the subject of an exchange of the lands they respectively possess for lands in Louisiana and they ought not to be allowed to make any settlements on the Western side of the Missisippi without special permission from the Government of the United States. in the meantime it may be proper to inform such of the Nations as shall discover a wish to remove into Louisiana, that as soon as they shall have settled the limits of their present possessions with their Neighbors, so as to prevent any dispute hereafter in case of an exchange, and the Government of the United States shall have ascertained the just claims of the several Indian Nations, and others to lands in Louisiana, there will be no objection on the part of the U. S. to exchanging such lands with said Indians, West of the Missisippi for lands east of that river as shall be mutually agreed on; but it should be understood that they cannot receive lands immediately on the Missisippi unless they go some distance above the mouth of the Missouri. It is probable however the U. S. will be able to accomodate them with lands on some of the large branches of the Missouri or on the western Branches of the Missisippi, not verry far above the mouth of the Missouri * * *."[c]

Those who believe that from first to last Indian colonization was primarily a movement in the interests of the slaveholding power may find a deeper meaning in this letter than on the surface appears. It was not addressed in duplicate to any of the southern agents. Are we then to suppose that its discouraging tone was intended for the northwest tribes only? The impression conveyed by its contents is that the Indians to whom it referred were not only willing but really anxious to remove. Why then were they dissuaded? They were causing considerable trouble on the Canadian border, and unquestionably their

[a] William Henry Harrison was, at the time, governor of Indiana Territory and, like all other Territorial governors, was ex-officio superintendent of Indian Affairs. ("Indian Office Letter Books;" Series I, A, p. 166.)

[b] It must be noted that whenever a letter or extract of a letter from the Indian Office Letter Books has been taken the spelling of the original Indian Office copyist has been followed.

[c] Indian Office Letter Books," Series I, B, p. 6.

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departure from the British sphere of influence would have much allayed local apprehension. The question naturally arises, Did Jefferson postpone their emigration for the reason assigned? Later events would indicate that he did not, but judgment in the matter might well be suspended until later applications of his policy have been discussed.

On at least three different occasions previous to the war of 1812 an apparently honest effort was made to put the removal idea into practice, and the personal influence of Jefferson was strongly felt in each instance. The proposition in all seriousness was first submitted to a Chickasaw[a] delegation from Mississippi Territory that came to Washington, D. C., early in 1805. Jefferson seized the opportunity to enlarge upon the benefits to be derived from agricultural pursuits, and then delicately hinted at removal, saying in the most unconcerned way, without any unnecessary regard for the truth, "We have lately obtained from the French and Spaniards all the country beyond the Mississippi called Louisiana, in which there is a great deal of land unoccupied by any red men. But it is very far off, and we would prefer giving you lands there, or money and goods, as you like best, for such parts of your land on this side the Mississippi as you are disposed to part with. Should you have anything to say on this subject now or at any future time, we shall be always ready to listen to you."[b] There is no record of what impression this invitation to emigrate made upon the delegation or upon their constituents. Perhaps, they were as ill-prepared to comprehend its import as would have been Rabbit and his fellows who found their way to Washington in the fall of 1802, their only credential a captain's commission from General Washington and their only interpreter a little boy who understood neither the English nor the Chickasaw language.[c]

The Choctaws, whose headquarters were likewise in Mississippi Territory were the next to be experimented upon.[d] The actual "talks" may not have come down to us; but there are references enough in contemporary documents to show that, sometime in 1808, these Indians evinced a disposition to withdraw themselves from the encircling white settlements, and that the Government tried to take

[a] General James Robertson and Silas Dinsmore were commissioned in 1805 to treat for a cession with the Chickasaws. Their journal of proceedings, still extant among the Indian Office Manuscript Records, contains a reference to the Louisiana purchase, but none to removal.

[b] Jefferson's Works, Library edition, XVI: 412.

[c] "Indian Office Letter Books," Series I, A, pp. 293, 295.

[d] It is possible that the Choctaws were approached on the subject of removal even earlier than were their neighbors, the Chickasaws; for, in an address of December 17, 1803 (Jefferson's Works, Library edition, XVI, pp. 400–405), Jefferson alluded to a probable examination of a new home: "I am glad, brothers, you are willing to go and visit some other parts of our country." The context, however, does not indicate an exchange of lands or a permanent change of residence.

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advantage of the situation. Secretary Dearborn[a] had prophesied that the Louisiana cession, particularly if it were held to include West Florida as he believed it would be, would place the United States "on strong ground with the Choctaws." Such, indeed had proved to be the case, and now, in view of approaching troubles with Europe, it was deemed advisable to consolidate the military strength of the United States on its southern frontier and to erect a barrier between the Indians and their Spanish neighbors.[b] Migration across the Mississippi was not a new experience with the Choctaws. They had become accustomed long since to make frequent hunting and predatory excursions into the valley of the Arkansas River.[c] Nevertheless, in 1808, they held out against a permanent removal. The Government was not yet ready to resort to force, and persuasion availed nothing. The tribe as a whole refused to emigrate. A few individuals went West on their own responsibility; the rest stayed in Mississippi.

The third instance of attempted removal is found in connection with the Cherokees, who constituted the most numerous, the most powerful, and the most highly civilized of the southern tribes. At one time their hunting grounds "were conceded to extend from the eastern slopes of the Blue Ridge to the neighborhood of the Mississippi River, and from the Ohio River almost as far south as central Georgia. * * * The settlement of the country by the whites and the acquisition of the Indian territory by them was naturally along the lines of least resistance. That is to say, the Cherokees first ceded away their remote hunting grounds and held most tenaciously" to eastern Tennessee and northern Georgia, "the section in which their towns were situated."[d] They had early divided themselves as a people into two classes, the Lower and the Upper Cherokees. The former lived in Georgia, the latter in Tennessee. It was more or less of an accident that the Lower Cherokees happened to be the less civilized of the two groups. One would naturally have expected the reverse to be the case. As it was, the Cherokees of Georgia still earned a precarious living by hunting and fishing, desired no innovations, and strenuously resisted every invasion of their territory by would-be settlers. They quarreled incessantly with the inhabitants of the upper towns, who appealed, in the spring of 1808, to the United States for an adjustment of their differences, particularly for a more equitable distribution of the annuities.

Antecedent and preparatory to this move the Cherokee agent, Col. Return Jonathan Meigs, had received some pretty definite instruc-

[a] Dearborn to Silas Dinsmore, September 7, 1803. "Indian Office Letter Books," Series I, A, p. 374.

[b] Message to Senate, January 15, 1808. Richardson I: 435; Message to Senate and House of Representatives, January 30, 1808, Ibid. I: 438.

[c] Annals of Congress, XIV, Appendix, p. 1510 et seq.; McKenney and Hall, I: 31.

[d] Phillips, p. 66. See also Royce, "Cherokee Nation of Indians," p. 141

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tions. "If you think it practicable,"[a] wrote Secretary Dearborn, the 25th of March, "to induce the Cherokees, as a nation generally to consent to an exchange of their present Country for a suitable tract of Country on the other side of the Mississippi, you will please to embrace every favorable occasion for sounding the chiefs on the subject; and let the subject be generally talked about the nation until you shall be satisfied of the prevailing opinion."

Just to what extent the efforts of Meigs were successful we have no means of knowing; but in the beginning of May a delegation from the Upper Cherokees visited Washington and asked, among other things, that a permanent line of division might be drawn between their settlements and those of their less civilized brethren, to the end that such as wished might become husbandmen while the others remained hunters. The Upper Cherokees also expressed a desire to become citizens of the United States and subject, in all respects, to the laws of the white men. Jefferson personally interviewed the delegates and addressed to them the customary "talk"[b] taking care to introduce the alternative of removal. In the light of later events it is interesting to note that he admitted that citizenship could not be conferred upon the Indians without Congressional action. He further said that, prior to any territorial division of the tribe, the sense of the whole must be taken. "Should the principal part of your people," said he, "determine to adopt this alteration, and a smaller part still choose to continue the hunter's life, it may facilitate the settlement among yourselves to be told that we will give to those leave to go, if they choose it, and settle on our lands beyond the Mississippi, where some Cherokees are already settled, and where game is plenty * * *."

The delegates went home and again the furtherance of the removal project was intrusted to Colonel Meigs, with the advice that "the act of removal should be the result of their own inclinations without being urged to the measure."[c] Almost a year later Cherokee delegates again appeared at Washington, some to represent the upper towns and some the lower. Each party presented its case to Jefferson. To the Tennessee Cherokees he talked, January 9, in much the same spirit as the year before.[d] They were still desirous of citizenship and on that point Jefferson's remarks were anything but hopeful. To the Cherokees from Georgia he presented arguments for removal which were well taken.[e] Indeed, Colonel Meigs must have done some

[a] "Indian Office Letter Books," Series I, B, p. 364.

[b] "Indian Office Letter Books," Series I, B, pp. 374–375; Jefferson's Works, Library edition, XVI: 432–435.

[c] Dearborn to Meigs, May 5, 1808, "Indian Office Letter Books," Series I, B, pp. 376–377.

[d] "Indian Office Letter Books," Series I, B, p. 414; Jefferson's Works, Library edition, XVI: 455–458.

[e] Jefferson's Works, Library edition, XVI: 458–460.

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good work since the preceding May in convincing the more nomadic that their only hope of earthly salvation lay in emigration beyond the Mississippi. The delegates had therefore come to Washington prepared to arrange the terms upon which the Lower Cherokees were to remove.

The plan was a very simple one but fraught with untold evil for the future, inasmuch as it served as a model for the treaty of 1817.[a] It was based upon an exchange, acre for acre, of the tribal land to which the individual Indian was proportionately entitled. Now it is very evident that there was no way of determining that proportionate amount of land except by allotment in severalty. The thing to do was to take a census of the Indians and at the same time determine the exact amount of land held by the tribe in common. As it happened, nothing of the kind was done. Interest[b] in Cherokee emigration lapsed with the incoming of President Madison.[c] The Federal

[a] 7 United States Statutes at Large, p. 156.

[b] It did not immediately die out but steadily declined. In the spring of 1811 about 2,000 Cherokee showed themselves desirous of emigrating west and Colonel Meigs wrote to Washington for instructions. In reply he was told "that a more gradual migration was preferred by the government. Time and circumstances (having their effect on this policy) render it expedient to ascertain whether such an exchange to any considerable extent, continues to be practicable * * * ." (Letter from War Department to Col. R. J. Meigs, March 27, 1811. Indian Office Letter Books, Series I, C, pp. 69–70.) A slight explanation for this change of policy appears in a letter to Silas Dinsmore and M. T. Wash, under date of April 20, 1811: "The removal of the Cherokees and Choctaws to the Western Side of the Mississippi, as contemplated by Mr. Jefferson, has been considered by the present President. A gradual migration until some general arrangement could be made, has been prefered. Col. Meigs is about consulting the Cherokees on the Subject; but it has occurred to me, from the circumstance of the murder of three Cherokees by a party of Choctaws, during the last year near Arkansas, that Similar Scenes might be repeated in case both Tribes Should migrate in considerable bodies. attention to this * * * ." ("Indian Office Letter Books," Series I, C, p. 78.)

[c] Although ordinarily somewhat indifferent toward the Indians, Madison seems, when especially appealed to, to have taken a fairly liberal view of their position. In 1816 he instructed John Rhea, United States Commissioner to the Choctaws, that the policy of the Government was a gradual acquirement of territory upon the basis of generosity and humanity. ("Writings," III: 6–7.) In 1817 he intimated to Monroe that the United States might push its claims of preemption a little too far and exaggerate the claims of civilized over uncivilized men to its own ruin. (Ibid., p. 54.) He fully indorsed Morse's scheme for benefiting the Indians (letter to Rev. J. Morse, February 16, 1822, and letter to Jefferson, March 5, 1822; ibid., pp. 259–261), and McKenney's also, though in more moderate terms: "The article in the North American Review concerning the Indians is evidently from one who, with opportunities the most favorable for his purpose, has made the best use of them * * * . I wish, as doubtless he does, that your comments on his distrust of the means adopted for new modeling the Indian character may be sanctioned by their success. If I am less sanguine of such a result than you are, I do not despair, and join in applauding the philanthropy and zeal that labor and hope for it. Next to the case of the black race within our bosom, that of the red on our borders is the problem most baffling to the policy of our country." (Ibid., p. 515.)

In commenting upon Monroe's message of April 13, 1824, Madison showed clearly where he stood on the subject of compulsory removal and, in a dignified manner, blamed the Georgians severely for what he called their "egregious miscalculation" of the compact of 1802. (Ibid., p. 434.) His first direct opinion upon the subject of general removal was given to William Wirt in connection with the Cherokee case: "The most difficult problem is that of reconciling their interests with their rights. It is so evident that they can never be tranquil or happy within the bounds of a State, either in a separate or subject character, that a removal to another home, if a good one can be

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Government was not prepared to advance funds as it had promised; so, left to their own resources, the Indians went or stayed as they pleased. Such of them as did emigrate came from the upper towns mostly and not from the lower, as had been anticipated,[a] and they journeyed, not as a compact body, but as individual families.[b] Neither the United States Government nor their own tribe had anything to do with their removal.[c] No definite tract of territory was assigned them west of the Mississippi. They wandered about or settled down whenever and wherever they could find room. The gap their several departures made in the tribe, probably never appreciable, because so gradual, was soon closed over. As far as the Cherokee Nation was concerned the absentees were as though they had never been.

Jefferson's real plans, respecting which a decision was heretofore held in abeyance, may now be arrived at with a measurable degree of certainty. In the beginning of 1805 we have seen him urging the Chickasaws, in seeming good faith, to move westward and assuring them of an unobstructed progress. How can this be reconciled with Secretary Dearborn's letter to Harrison in the June preceding? The Chickasaws were southern Indians, so were the Choctaws and Cherokees in whose favor the idea of removal was reasserted during the closing years of Jefferson's second term. The President personally interested himself in their migration; but he seems never to have similarly solicited the removal of the Northwestern tribes, although he readily fell[d] in with Harrison's plans for a rapid extinguishment of their title, which shows that the presence or absence of an economic need for territory had nothing whatever to do with his varying attitude toward removal. As a matter of fact, Jefferson pursued a policy in the Northwest that tended in one way to obstruct and in another to disparage Indian colonization. Besides ignoring a Shawnee[e] dispo-

found, may well be the wish of their best friends. But the removal ought to be made voluntary by adequate inducements, present and prospective; and no means ought to be grudged which such a measure may require." (Ibid., IV: 113–114.)

[a] Phillips, p. 68.

[b] Department of War to Col. R. J. Meigs, November 1, 1809. "Indian Office Letter Books," Series I, C, p. 6.

[c] At least we infer as much since the tribe as a whole had not sanctioned the movement in the first instance. Talk of Cherokee Council, July 2, 1817, American State Papers, "Indian Affairs," II: 142.

[d] Department of War to William H. Harrison, June 27, 1804. "Indian Office Letter Books," Series I, B, p. 7.

[e] About 1803, and again in 1807, the Shawnees begged for a grant of land where their entire tribe might congregate. (Miscellaneous Files, Indian Office.) At the later period they were even anxious for a union at one place with the Wyandots, Delawares, and Miamies. Prior to the purchase of Louisiana small parties of Shawnees emigrated to the vicinity of St. Louis, and when the United States took possession of the country Governor Wilkinson promised them a permanent home. (Address of James Rogers, chief of a band of Shawnees—Miscellaneous Files, Indian Office.) In 1811 Governor Clark interested himself in their cause and wrote personally to Madison, "I have been frequently solicited by small parties of Shawnees residing within this Territory on the subject of the governments assigning to them a permanent tract of country to live on, where the white people might not encroach on them. Those people wish to be situated so as to prevent disputes

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sition to emigrate, he resorted to removal only as a threat[a] against insubordination.

It might very properly be contended that the purpose here was not removal in the ordinary meaning of the term. Had the threat been carried out the Indians would either have been exterminated or have been driven beyond the confines of the United States. The scheme of colonizing would have had no part in the concern at all. No similar threats seem to have been used against the more formidable southern tribes.

At first glance, considering how differently Jefferson, the originator of the removal project, dealt with the southern and northern Indians, respectively, and how prominently the Gulf States were destined to figure in the history of removal, we are fain to conclude with Henry Wilson that the whole course of the United States Indian policy was so shaped as to prove national subserviency to the slave power. Interesting as this would be, care must be taken not to place too much stress upon it, or even to give it entire credence, for it does not altogether accord with the historical facts. It is incorrect, in the first place, to think of the Southern States, in the days of Jefferson, as a "slave power," or to imagine that their interests as such were ever consciously considered by him. Removal had become an accomplished fact, in so far as the ultimate policy of the Government was concerned, long before slavery had been recognized as a serious issue in national politics. It is only when we take later and isolated instances of removal and study them apart from all their historical connections that the argument of the abolitionists can have any weight. Such a course would be manifestly illogical and unfair.

We can not even say that Jefferson's indifference or objection to the removal of the northwestern tribes was the result of partiality to his own section. His interest in the Indians turned on the Georgia compact of 1802, which was the key to the whole situation. Unless

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which frequently take place between them and their nearest neighbours; and where the white people will not be permitted to sell them spirituous liquors. * * * A part of the Shawnee and Delaware nations have a claim under permission from the Spanish Govern[t] of a large tract of land situated immediately on the Mississippi about half way between this place and the mouth of Ohio, on which land a part of those Nations reside in Towns.—Several white families have settled promiscuously on those lands, as the unappropriated property of the United States which creates some discontent amongst the Indians of that quarter; who are anxious (as I am told by some of their chiefs) that the Government would confirm them in the possession of that Land or assign them another place outside the settlements. * * * " (Clark to Madison, St. Louis, April 10, 1811, Miscellaneous Files, Indian Office.)

[a] There are many instances of this. Jefferson's talk to the Ottawas, Chippewas, Pottawatomies, Wyandots, and Senecas of Sandusky, April 22, 1808, is, perhaps, one of the best. " * * * if there be among you any nation whom no benefits can attach, * * * that nation must abandon forever the land of their fathers, no nation rejecting our friendship and commencing wanton and unprovoked (war) against us, shall ever after remain within our reach, it shall never be in their power to strike us a second time * * * ." ("Indian Office Letter Books," Series I, B, pp. 372–373.)

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the design of that could be carried out by removal, he was under no obligations to force a change in the Indian policy at a moment when the national resources had need to be expended in other directions. It required all the foresight of which he was capable to steer clear of foreign complications. It was not a time to venture upon new and untried methods in the settlement of domestic affairs unless, indeed, a great purpose, like the keeping of national faith pledged to a sovereign State, could be subserved. Failing that, it was best to let matters take their own course.

There were other reasons and serious ones too why the impetus to Indian removal, if it came at all, was bound to come from the neighborhood of the four great tribes. The Choctaws, Chickasaws, Creeks, and Cherokees were no inconsiderable part of the southern population. They constituted a power that, if allowed to increase unchecked, might be truly formidable. As it was, they blocked any widespread and consolidated settlement south of the Mason and Dixon line. Combination and effective resistance to encroachment were more likely to come from them with their superior intelligence and superior political organization than from the scattered and scattering bands dwelling north of the Ohio River. This was as true in 1805 as in 1830.

Moreover, until after the acquisition of East Florida, foreign interference, much as it was to be dreaded on the Canadian border, was an ever-present and ever-increasing menace in the Southeast. The political influence at Washington as exerted by States was, of course, much more strongly felt than was that exerted by Territories. If we leave New York out of consideration, as having interests distinct from all the others, we may well suppose that the influence of Georgia and the Carolinas combined, to say nothing of Tennessee and Kentucky, would greatly outweigh that of Ohio. Finally, if at the opening of the nineteenth century there was a land pressure any where, it was rather in the South than in the North. Under the vigorous administration of such men as William Henry Harrison, the old Northwest was being cleared of its Indian encumbrance much faster even than the economic needs demanded. The tribes there were numerous, but individually too small to offer effective opposition. Their very number was a source of weakness, as their frequent quarrels enabled the white men to play off one faction against another, and in the long run to reap the whole advantage for themselves.

In one important particular the removal idea as revived for the Chickasaws presents a striking contrast to the idea as it was first promulgated by Jefferson in 1803. In 1805 it was separated and considered as something distinct from Indian colonization. It contemplated the migration of individual tribes, or, to state it more nearly in accordance with what actually occurred, that of detached bands. Here again we must seek an explanation in local and temporary conditions. At

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the time of the Louisiana purchase, Jefferson probably did not dare to venture to hold out relief to the South only, not even though the national faith was pledged to Georgia. He therefore suggested removing the whole body of Indians westward. In 1805 and later, he was able to proceed upon narrower issues; and, by shifting the responsibility upon the Indians and making it appear as though they had taken the initiative, to depart from the broad lines laid down in the constitutional draft of 1803. It is well to remember this, because the two ideas of removal and colonization were very rarely brought together again; and, when they are associated in after years, they serve to distinguish the real philanthropists, like Isaac McCoy and, perhaps, Thomas McKenney, from the self-seeking and aggressive politicians who cared not what became of the aborigines so long as their presence was not allowed to obstruct the onward path of the white men.

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Chapter III.

THE WAR OF 1812 AND INDIAN REMOVAL.

The outlook for an early accomplishment of a general Indian removal along lines of cheerful acquiescence is thus seen to have been, at the close of Jefferson's term of office, not very promising, and assuredly nothing else was possible; for the southern tribes were far too strong for anything that bordered upon expulsion to be successful and, if we are to judge from what was soon to occur under Tecumseh's influence, the same might be asserted of those of the Northwest. At all events the inauguration of James Madison brought a decided lull in the prosecution of the colonizing project. As has been already remarked, the new President, although inclined on occasion to be just to the aborigines, was not much interested in their affairs, and, therefore, had the conditions been ever so favorable, it is doubtful whether he would have given removal his cordial support. As it was, he had other and wider subjects to engage his attention, so that the idea might have been completely forgotten had not speculators chosen to remember it for their own aggrandizement and, in addition, had not various events conspired to intensify the hatred already existing between the two races.

Chief and foremost among these events was the reputed Indian alliance with the British who, both before and after the surrender of the western posts, controlled the fur trade around the Great Lakes. Their influence for good or ill extended westward beyond the Rockies and southward even to the Red River. Consequently they came in contact with the most warlike tribes dwelling wholly or partly within United States territory, and were suspected of inciting raids upon the defenseless American settlements. The charge in its extreme form as reflecting upon the policy of the British Government can be easily and satisfactorily disproved by research into the Canadian archives.[a] Even at the time of its greatest circulation the majority of thinking people must have doubted its accuracy. It was officially

[a] "Moreover, it has been constantly charged by our writers that England, from the vantage ground of these western posts, instigated in a secret, dastardly manner the Indians of the region to wage their horrible, barbarous warfare upon our frontier settlements. There has been little disagreement on this point among our own writers. The prima facie evidence is so strong that presumptions of insidious instigation from England are easily and naturally made. The revelations of the Canadian archives allow us to go further than presumption and to settle the question with some definiteness. * * * The results of such do not enable me to agree either with the American historians who lay this charge at the door of Great Britain or with the more recent writers of Canada

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denied by the ministry,[a] discredited by the Department of War at Washington,[b] scouted by the Federalists[c] and war opponents generally both in and out of Congress,[d] and maintained on a large scale only among the anti-British westerners as a sort of justification for the renewal of hostilities with the mother country.

The more prominent Canadian officials can be equally exonerated; but, in deciding upon their guilt or innocence, it is necessary to draw a sharp distinction between inciting the Indians to warfare and taking pains to preserve their attachment to themselves. The latter was an element in sound policy, especially as, during the period of the later Napoleonic wars, Canada had good reason to look askance at the movements of both France and the United States. Her domestic difficulties coupled with a fear of invasion were a matter of no small

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who endeavor to clear the skirts of the home Government and the province of all unworthy motive or infamous action * * *" (pp. 413–414). ("Annual Report of the American Historical Association," 1894.)

Prof. A. C. McLaughlin, the writer of the above, further remarks that it is unfair to charge the conduct of vagabond, irresponsible half-breeds and rovers to the British Government or to the Canadian authorities. (Ibid., p. 429.) Great Britain was indignant that the Americans should settle in territory organized as Indian and, as she hoped to use the savages in case of possible war, she constantly assured them that she would be their friend and that they were not to yield too easily to the allurements of the other party. (Ibid., p. 434.) In conclusion, he says: "I am glad to be able to state, after an examination of the Canadian archives, for the purpose, that England and her ministers can be absolutely acquitted of the charge that they desired to foment war in the West. I do not mean to assert that they were entirely without responsibility for a condition of affairs and for a state of mind on the part of the savages which made hostilities a certainty. * * *" (Ibid., p. 435.)

[a] British Declaration, January 9, 1813, "British and Foreign State Papers," Vol. I, part 2, p. 1519.

[b] William Eustis to W. H. Harrison, September 8, 1811, "Indian Office Letter Books," Series I, C, p. 113.

[c] Governor Strong, of Massachusetts, said: "A suspician has been intimated that the hostility of the Indian tribes was excited by British influence; as no proof has been offered to us on the subject, it might be sufficient to say, that a regard to vague and uncertain suppositions exposes a nation to become an unjust aggressor. But has not our conduct toward those tribes been often oppressive and unjust; and have we not indulged an eager desire to obtain possession of their lands, when we had already millions of acres which we could neither cultivate nor dispose of? * * *" (Message, May 28, 1813, Niles's Register IV: 233–236.)

[d] Benton, in his "Abridgement of Debates," Vol. IV: 436–442, gives the substance of a speech by John Randolph, of Virginia, on this matter: "An insinuation had fallen from the gentleman from Tennessee, [Mr. Grundy,] that the late massacre of our brethren on the Wabash had been instigated by the British Government. Has the President given any such information? has the gentleman received any such, even informally, from any officer of this Government? Is it so believed by the Administration? He had cause to think the contrary to be the fact; that such was not their opinion. This insinuation was of the grossest kind—a presumption the most rash, the most unjustifiable. Show but good ground for it, he would give up the question at the threshold—he was ready to march to Canada. It was indeed well calculated to excite the feelings of the Western people particularly, who were not quite so tenderly attached to our red brethren as some modern philosophers; but it was destitute of any foundation, beyond mere surmise and suspicion. What would be thought if, without any proof whatsoever, a member should rise in his place and tell us, that the massacre in Savannah, a massacre perpetrated by civilized savages, with French commissions in their pockets, was excited by the French Government? There was an easy and natural solution of the late transactions on the Wabash, in the well-known character of the aboriginal savage of North America without resorting to any such mere conjectural estimate. He was sorry to say, that for this signal calamity and disgrace the House was, in part, at least, answerable. Session after session their table had been piled up with Indian treaties, for which the appropriations had been voted as a matter of course, without examination. Advantage had been taken

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concern.[a] The loyalty of the French inhabitants[b] was a very uncertain quantity as was also that of recent immigrants from the States.[c] Early in the summer of 1808 there were rumors that Bonaparte contemplated an expedition to America, in which, were British dominions the objective point, he might or might not secure the cooperation of the United States since there had been some rather boastful talk about joining forces with the French and conquering Canada.[d] It was deemed important, therefore, for the British to strengthen all their defenses, and the good will of the Indians was certainly not the least of these, inasmuch as they were bound to fight on one side or the other, and if not with the British, then against them.[e]

The chances were that the Indians would much prefer fighting on the British side. Year by year they had become more and more enraged against the spread of western settlement and, as the Americans took no pains to propitiate them, they continued to plot revenge.[f] The Canadian authorities knew of this—knew also how likely, under the circumstances, blame was to fall upon them should any savage outbreak occur. They therefore resolved to act discreetly[g] so as not

of the spirit of the Indians, broken by the war which ended in the Treaty of Greenville. Under the ascendancy then acquired over them, they had been pent up by subsequent treaties into nooks, straitened in their quarters by a blind cupidity, seeking to extinguish their title to immense wildernesses, for which (possessing, as we do already, more land than we can sell or use) we shall not have occasion, for half a century to come. It was of our own thirst for territory, our own want of moderation, that had driven these sons of nature to desperation, of which we felt the effects."

[a] Craig to Erskine, May 13, 1808. "Report on Canadian Archives," 1893, p. 10. Craig to Edward Cooke, July 15, 1808, ibid., p. 13.

[b] Craig to Castlereagh, August 4, 1808, ibid., p. 14; Craig to Castlereagh, August 5, 1808, ibid., p. 14.

[c] Gore to Craig, January 5, 1808. Ibid., p. 3.

[d] John Henry to Ryland, March 6, 1808. Ibid., p. 6.

[e] Craig to Gore, December 6, 1807, ibid, p. 1: "If the Indians are not employed with us, they will certainly be employed against us. Caution necessary in dealing with them; the loss of the valuable Indian trade if they are not kept on our side. * * * " Gore to Craig, January 5, 1808, ibid., p. 3: "Considers that could we destroy the American posts of Detroit and Michillimackinac many Indians would declare for us. Agrees that if not for us they will be against us." Craig to Gore, December 28, 1808: "Repeats that they must be either for us or against us," ibid., p. 16. Letter from Downing street to Craig, April 8, 1809: "Entirely concurs that in present relations with the United States, the Indians must be conciliated on the principle that if not for us they will be against us," ibid., p. 28. Letter from George Heriot to Judge Edward Winslow, Quebec, July 3, 1811. Raymond's "Winslow Papers," p. 671.

[f] Harrison wrote, in 1801, showing that the Indians needed little encouragement to war against the United States. They were incensed at the violation of treaties and at Indian wrongs unavenged, and were ready to unite with any power at war with the United States in whom they could trust. (Henry Adams, VI:73.) This state of feeling continued and measurably increased after it became apparent that the Treaty of Greenville was not to be respected.

[g] Craig to Gore, February 10, 1808. ("State Papers of Lower Canada" in "Report on Canadian Archives," 1893, p. 5.) "Advices abstaining as far as possible from irritating the public mind in the United States, though preserving the attachment of the Indians."

Craig to Erskine, May 13, 1808, ibid, p. 10: "Will use every endeavour to avoid irritating our neighbours. * * * With the view of binding the Indians more closely, he has given directions that the officers of the Department be particularly attentive in all points and has also recommended that intercourse be opened with the most distant nations, with whom little communication has lately been had. * * * The instructions given particularly point out his desire that all means pursued should be such

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to irritate the Americans. Their plan was to secure the friendship of the Indians, yet offer no encouragement should they, in their fiendish hunger for retaliation, wage war upon their own responsibility. Presents were distributed in greater quantities than usual, but the deputy superintendents were cautioned against letting the recipients know of the near prospect of strife between the English-speaking countries. As time went on and the Indians persisted in their intention of warring against the United States, thus resisting even the blandishments of Red Jacket who made a special endeavor to wean them from the British cause,[a] Sir James Craig went one step further and tried to conciliate them in the interests of the United States,[b] for he rightly surmised that a war provoked by savages upon the frontier would be very inconvenient in every way for the British.

Canada was not alone in the seeking after an Indian alliance. At the beginning of 1808 [c] the Americans were reported as sparing nothing to assure themselves of support, but the case was hopeless.[d] When once convinced of this, they pleaded for Indian neutrality but not because they were conscientiously opposed to the employment of savages. Indeed, the people of the two nations stand on much the same level with respect to Indian transactions generally. The differences in their conduct have been mainly differences of degree and not of kind. Whatever may be said to the contrary, neither had any very delicate scruples when it came to an actual test about allying themselves with red men.[e] The party that failed in a particular instance

as are of general conciliation and attachment, without allusion to possible hostilities. Is well aware that suspicion will be awakened, but adopts these measures to prevent the Indians from reporting that he was trying to instigate them against the States. Complaints on this head probable. * * * "

Matthew Elliott to William Claus, Deputy Superintendent of Indian Affairs, October 16, 1810: "Believes that the Indians are more ripe than ever for war. Dreads they may of themselves commence hostilities and our Government be blamed for encouraging them. * * * " ("State Papers of Upper Canada" in "Report on Canadian Archives," 1893, p. 26.)

Gore to Claus, February 26, 1811: "He is to instruct Elliott to be more than usually circumspect in his communications with the Indians so as to give no suspicion of favoring their hostile designs against the United States. * * * " Ibid., p. 27. (Same in "State Papers of Lower Canada," p. 46.)

[a] Elliott to Claus, October 16, 1810. "State Papers of Lower Canada," p. 45.

[b] Craig to Gore, February 2, 1811: "Thinks upon consideration that our policy is to prevent a rupture between the Indians and the United States. A war so near our frontiers would be very inconvenient in every way, and would expose us to suspicion on the part of the Americans, which would sooner or later involve ourselves. The bad effects inevitably attending such a war. The Indians must be advised that to avoid hostility is for their own good. They must be carefully managed * * * ." "State Papers of Lower Canada," p. 45.

Gore to Claus, February 26, 1811, ibid., p. 46.

Gore to Craig, March 2, 1811, ibid., p. 46.

Craig to Liverpool, March 29, 1811, ibid., p. 46.

[c] McKee to Prideau Shelby, January 8, 1808. "State Papers of Lower Canada," p. 3.

[d] Craig wrote to Lieutenant-Governor Gore on the 11th of May, 1808, that it would not be an easy thing to persuade the Indians to take part against the British, so incensed were they against the Americans. ("State Papers of Lower Canada," p. 9.)

[e] A very cursory review of the Revolutionary war proves that the Americans were no more adverse to the employment of savages than were the British. Matthew Griswold, of

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to secure Indian aid liked to prate a good deal about the inhumanity of the practice and at the same time to redouble its own efforts for future success.

The strongest evidence implicating the Canadian authorities of incendiarism and the evidence most commonly cited is that contained in the "talks" addressed to the disaffected Indians by lesser officials. Such evidence is presumptive of very culpable conduct on the part of Indian agents,[a] army officers, and the like. Of itself, however, it is not sufficient to incriminate the Government. Indian "talks" by white men were seldom given in good faith, and their extravagant statements must not be taken too literally. No one, except the deluded Indians in the days of their first innocence, and white men who wanted something to support their own claims or charges, ever affected to believe that what they contained was true. Their object was to make a favorable impression for the time being upon the poetical sensibilities of the hearer—hence the rhetorical flourishes

Connecticut, advised encouraging their enlistment for defense. (American Archives, Fourth Series, II: 1588.) Ethan Allen earnestly invited them to fight with his Green Mountain boys (ibid., p. 714), and even John Adams thought that since they were not likely to remain neutral they ought to be induced to engage in the colonial cause. (Ibid., V: 1091.) Lord North claimed, indeed, that the British had had no intention or desire to use either negroes or Indians until the Americans started the practice (ibid., VI: 187), and that practice was the excuse for the issuance of the royal order of August 2, 1775 (ibid., III: 6). The British had a similar justification, if we may call it such, in the second period of strife ("Niles' Register," XXVIII: 175–176). Men in authority on the frontiers, and more especially Lewis Cass (American State Papers, Indian Affairs, II: 13, 14), were provided with the means of distributing presents among such Indians as would take an active part in the war against Great Britain. Toward the close of that war and when the British threatened an invasion of Louisiana, Monroe wrote to Jackson: "You will not fail to secure the friendship and cooperation of the Creeks and Choctaws and other Tribes in our favour, should the menaced invasion take effect. To enable you to do this, blankets, &c. will be forwarded without delay to our Agents with those tribes * * * ." (Monroe Papers, V.) Jackson's whole military career was colored by the participation of savages so-called in warfare. In the Creek uprising he employed the friendly party against the hostile and in the Seminole war his main reliance was upon savages. His use of them on that occasion was ground for severe criticism and his line of defense has an interesting bearing upon the subject we are discussing. In his autograph memorial to the Senate, 1819, he says: "The Committee has been prodigal of its labour and research in order to prove the illegality of employing the friendly Creeks during the last campaign, it declares that no Legal authority for calling the friendly Indians into the field has existed since 3d of March, 1795. Whether this measure be sanctioned by Law, required by policy, or justified by necessity, I presume I need not say to an enlightened public that it has been the common practice of our Country during every Indian war in which we have been engaged since the first organization of our Government and there is not a friendly Chief of distinction on our extensive frontier who does not wear a meddle, or a sword, presented by our Government as a reward for his valour and fidelity in those conflicts, during the late war with Great Britain, the employ—of the friendly Indians was not only authorized at every point on our frontier, but I was directed to compel (by coercive measures if it became necessary) all the warriors of the four Southern Tribes to enroll themselves in our defence * * * ." (Jackson Papers, November, 1819.)

[a] Two of the most notorious of these agents, McKee and Elliott, were not in good standing even with the Canadian government. The former was addicted to intemperance (Gore to Craig, January 8, 1808; State Papers of Lower Canada, p. 3) and the latter had some time before been discharged from the service for misconduct. Francis Gore, lieutenant-governor of Upper Canada, and Sir John Johnson, superintendent of Indian Affairs, both recommended his restoration because of his very great influence over the Indians. Governor Craig hesitated, but was finally obliged, apparently against his better judgment, to yield to the situation.

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and the high-sounding, meaningless phrases about the "Great Father" and his "tender care for his beloved red children," which were their most marked characteristics.

The actions of the British traders[a] among whom the French element, with all that it promised for mutual good will, predominated, have also been exposed to censure; but, whether justly or not, is quite another thing. There is no question that everything possible was done by these traders to win the friendship of the Indians, but upon their own responsibility, quite independent of national politics. Like the Indian agents, they distributed gifts freely, supplied arms and "fire water," and made a fair return for peltries. Their real object can not be determined exactly. It may have been perfectly legitimate; nothing more, in fact, than the commercial advantage which all competitors take if they get a chance. Jealousy was rife between them and the American backwoodsmen; but, as peace was conducive to profitable trade, it is hardly likely that they would have been so blind to their own interest as to provoke an Indian war.[b] One thing is well worth noticing, and that is, their economic footing in the West. Their relations to the Indians was decidedly different from that of their rivals. Their purpose was the acquisition of wealth by trapping and trading, implying no real occupation of the land but merely a free transit through it. The purpose of the Americans was settlement, permanent occupation, and the dispossession of the natives. Is it any wonder, then, that the tribes saw in the one party a friend, in the other an enemy, and acted accordingly?

Supposing from what has been said that the conduct of the British at its very worst amounted to nothing more than commercial selfishness and a semi-official sympathy too freely expressed, it remains to explain how and why the charge of incendiarism ever originated. Is it too much to say that it had its beginnings in a desire to blind the eyes of the world to the real cause of Indian hostility toward the United States, and that it was started by the speculators and politicians of the Northwest for the double purpose of warding off suspicion and criticism from themselves and of increasing the popular prejudice against both the Indians and the British? Admittedly the evidence against these men is purely circumstantial. No definite statement is forthcoming showing what their real designs were. All we can do is to study the history of the years immediately preceding and draw our own conclusions.

[a] Professor McLaughlin, in his study of the subject, says that "The legitimate traders, the men, it is to be presumed, who had influence with the [British] Government, did not desire war between the Americans and the Indians * * * actual war was injurious to their business interests." ("Annual Report of the American Historical Association," 1894, p. 429.)

[b] The Department of War seems to have thought that the non-importation act had much to do with the attitude of the British traders. (Letter to Gen. John Mason, April 15, 1811, "Indian Office Letter Books," Series I, C, p. 74.)

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In discussing two of the most prominent events occurring in the early history of the old Northwest, viz, the incorporation of land companies and the disastrous expedition of General St. Clair, writers almost invariably fail to give due weight to the intimate relation which they bore to each other. It was remotely that of cause and effect. Take, for example, the case of the Scioto Land Company[a] which, in 1787, received from the Confederate Congress an immense tract of land on the Indian side of the Ohio River. The Indian owners were not consulted in the transaction. Their rights were totally ignored. Not a cent were they ever offered in compensation.[b] They watched with indignation the steady progress of the pioneers. Finally, they entered upon a series of depredations which increased in frequency and seriousness as the white settlements advanced. They were accused of wantonly harassing the frontier. No one seems to have thought that they were at all justified in what they were doing. Alas for the inconsistency of human nature! When white men fight for home and country they are lauded as the noblest of patriots. Indians, doing the same thing, are stigmatized as savages. What a fortunate and convenient excuse the doctrine of manifest destiny has proved!

Matters in the Ohio region reached a climax during Washington's Administration; but it is unnecessary to enter here into details respecting the successive defeats of Harmar and St. Clair. The story has been too often told and told well. Let us rather pass on to a consideration of the Greenville treaty of 1795,[c] which the victorious Anthony Wayne forced from the Indians after the battle of Fallen Timbers. It has usually been regarded as one of the greatest of Indian treaties. It is certainly one of the best known, mainly because the dividing line which it established became a sort of basis for later territorial changes. In so far as it looked toward an amicable adjustment of Indian difficulties, it was very deceptive. Indeed, it was so framed as to be productive of the very evils it sought to avoid. Within the country conceded as of right to belong to the Indians, it provided for a number of reservations to which the native occupancy title was declared extinguished and to which citizens of the United States were to have an unobstructed right of way.[d] This arrangement could hardly fail to bring about collisions.

As a matter of fact, the treaty of Greenville proved to the Indians a delusion and a snare. White men invaded their country more un-

[a] E. C. Dawes, "The Scioto Purchase in 1787," in "Magazine of American History," Vol. XXII: 470–482.

[b] C. G. Herbermann, "A French Émigré Colony in the United States, 1789–1793," in "Historical Records and Studies of the United States Catholic Historical Society," I, part 1 pp. 77–96.

[c] 7 United States Statutes at Large, 49–54.

[d] Article III.

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restrainedly, if that were possible, than before. In 1800 Indiana Territory was organized west of a line drawn from the mouth of the Kentucky River, through Fort Recovery, to the Canadian border,[a] and the Indians at once exhibited a restlessness that augured ill for the future. Certain methods of dealing with them, persisted in by Governor Harrison, simply fanned the flame. His civil administration provoked much opposition from the people of Indiana,[b] and, in order to win popularity,[c] he began to negotiate a series of Indian cessions. He made no pretense of extinguishing the title of all the claimants, but held treaties with factions, with isolated bands; in short, with any Indians over whom he could exert a temporary influence, quite in defiance of Indian usage, which required the consent of a general council. The second treaty of Fort Wayne, 1809,[d] the last and, in some respects, the most unjust of the series, is a fair illustration of the Harrisonian tactics. Its chief provision was the cession, conditional upon Kickapoo consent,[e] of a large tract of land on the Wabash, to which the Shawnees of all the Northwest tribes had probably the best title, yet not a single Shawnee signed it or was present at its negotiation.[f] The conduct of Governor Hull, of Michigan Territory, was scarcely less reprehensible than that of Harrison. To all intents and purposes, both men had a standing commission to extinguish Indian titles, and no evidence of dissatisfaction could dampen their ardor.

Jefferson strongly disapproved of such high-handed proceedings. Since 1805[g] there had been vague but constant rumors of an Indian conspiracy and, in May of that year, Harrison was ordered to make explanations to dissenting chiefs and to counteract the effect of his own questionable methods.[h] As time went on the condition of affairs along the Canadian line became less and less reassuring. Knowing this, and wishing the natives to be spared additional provocations, Jefferson cautioned restraint on the part of Governor Harrison. In 1809 the Department of War ordered that a certain treaty should be made, provided the "chiefs of all the Nations who have or pretend a right to these lands should be present."[i] Two years later Harrison received another rebuff and was told that it was not expedient to negotiate any new cession until "the discontents occasioned by the one lately concluded" had been quieted.[j] Jefferson must have real-

[a] 2 United States Statutes at Large, 58–59.
[b] McMaster, III: 137; "Letters of Decius."
[c] McMaster, III: 528, 529.
[d] 7 United States Statutes at Large, 113–115.
[e] Ibid., 117.
[f] Manypenny, p. 87.
[g] "Indian Office Letter Books," Series I, B, pp. 86–87.
[h] Ibid., pp. 78–79.
[i] Letter to W. H. Harrison, July 15, 1809, "Indian Office Letter Books," Series I, C, p. 2.
[j] Letter to W. H. Harrison, March 17, 1811, ibid., p. 66.

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ized that the almost wholesale dispossession was altogether unnecessary. It simply encouraged detached settlements and was certainly not the way to effect the pacification which would count for so much should war break out with Great Britain. Besides, he felt that eventually, without any application of force, the land would be cleared of the Indian encumbrance; for, as the products of the chase diminished, the natives would be compelled, as a matter of course, to do one of two things—"incorporate themselves with us as citizens of the United States or remove beyond the Mississippi." The caution came too late. Events had already gone too far.

The Indians, aware of the strained relations existing between the United States and Great Britain, doubtless conjectured that the time was propitious for them to avenge their own wrongs. They might even hope for cooperation. The earlier failure of Thayendanegea could not discourage such a man as Tecumseh. As early as 1807 the Americans at Detroit had anticipated as much and had "issued a proclamation [a] threatening retaliation on the wives and children of those joining the British standard." As has been seen, the advantages to be derived from such an alliance appealed likewise to Governor Craig. For a time he wavered, scarcely knowing what course to pursue. The loss of the valuable fur trade was, moreover, a contingency that had to be considered. To expect that the Indians would yield to Governor Hull's persuasions and remain neutral was absurd.

It was at this juncture, when war with Great Britain seemed daily imminent, that Jefferson wrote to Henry Dearborn, asking that the Territorial governors of the Northwest be instructed to hold interviews with the refractory tribes and threaten removal as a punishment for any attempted alliance with the enemy.[b] In April of 1808 he had himself addressed a similar talk to the Ottawas and their friends near Sandusky,[c] telling them that "if they help the enemies of the United States" they "must forever abandon the land of their fathers." In January of 1809 he threatened "to extirpate" the same tribes "from the Earth or drive to such a distance as that they shall never again be able to strike us."[d] It would seem that some of the Sacs and Foxes, confederated from time immemorial, had misgivings as to their ability to refrain from hostilities. "At their own request therefore they were removed from Illinois to the interior of Missouri." This resort to removal as a precaution against treachery is interesting as a forecast of future developments. The time was to come under Andrew Jackson when the Indians were to be left no

[a] Gore to Craig, December 1, 1807, "State Papers of Lower Canada," p. 1.
[b] Ford's "Jefferson," IX: 132–133.
[c] "Indian Office Letter Books," Series I, B, pp. 369–373.
[d] Ibid., p. 412.

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choice in the matter; but never before had Jefferson presumed to hint at anything beyond a strictly voluntary migration.

The uprising of 1811–12 possessed one feature that was almost, if not quite, unique in Indian history. Pontiac and Thayendanegea had each in his turn dreamed of a concerted action among the tribes that should result in the expulsion of the whites and the reestablishment of native power; but it was left for Tecumseh to advance the theory that no individual tribe possessed the power of alienation. His argument was, that originally the continent belonged to the red race as a whole and that therefore no part of it could be sold without the consent of all. The doctrine was radical but by no means inconsistent with the fact that, until the advent of the white man, the Indian had had no conception of an individual personal interest in realty. Each tribe, it is true, had had its own indefinitely defined hunting grounds; but a map outlining them "that would be correct for a given date would probably be sadly misleading in the study of events that took place a few years earlier or later."[a] With specific reference to recent occurrences, Tecumseh held that all the treaties made subsequent to 1795 that involved the transfer of land northwest of the Ohio were absolutely invalid unless it could be shown that each and every tribe interested in the treaty of Greenville had subscribed to them. This proves conclusively where the real grievance of the Indians lay. There was no occasion for the British to excite them to war. They were already excited and had only to await their opportunity for action.

The so-called machinations of the British appear to have had a more real existence in the Southeast than in the Northwest; but here, as there, were totally without governmental sanction. Moreover, the period of their activity came after war had actually been declared between Great Britain and the United States. From the Spanish dominions as a base, they operated upon the disaffected of the four great tribes, among whom the peculiar ideas of Tecumseh had been early disseminated.[b] It is only in a very limited sense, nevertheless, that British or Spanish emissaries can be said to have instigated the Creek insurrection of 1813. The cause of that lay deeper than recent events; deeper even than the supernaturalism of Tecumseh, and was mainly territorial.[c] Its interest for us rests, not upon the military exploits of General Jackson,[d] but upon the influence which it exerted

[a] Avery, I : 339.

[b] Circular letter from the Department of War to the Southern agents, June 20, 1805, "Indian Office Letter Books," Series I, B, p. 85.

[c] Letter of Governor Benigno Garzia to Governor Mitchell, of Georgia, December 12, 1812; Niles's Register, vol. III: p. 311.

[d] There are very few papers in the Indian Office that throw light upon Indian wars. The supposition is that all such records were, upon the creation of the Interior Department, retained by the War Office.

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over the agitators of removal, the history of which falls more properly into the narrative of the next chapter.

The general attitude of Madison's Administration toward the Indians was well brought out during the progress of the peace negotiations at Ghent in connection with the proposed establishment of a buffer State. The idea of erecting some such barrier between the United States and British dominions, though not entirely new in 1814,[a] seems to have been suggested by the Canadian authorities,[b] who fully appreciated the services that had been rendered their otherwise inadequate forces and therefore the debt that was due the disaffected tribes. More than that, they were in a position to know that land disputes were the real cause of bad feeling between those tribes and the United States. How better then could they repay the debt than by preventing encroachments and consequent dispossessions in the future?

Castlereagh, though familiar with the benefits to be derived from a country neutralized, since that was the very precaution being taken by the allied powers against the ambition of France, was hardly prepared to pose as an advocate of Indian sovereignty. Nevertheless, under the force of colonial public opinion, he advanced the buffer State idea as a possible means of adjusting Indian difficulties but did not intend it, as is commonly supposed, to constitute in itself a sine qua non of peace. His first instructions to the British commissioners,[c] which were preliminary only, devised as a working basis, were issued under date of July 28, 1814. From their examination it will be observed that, while an "adequate arrangement of Indian interests" was to be "considered" as an ultimatum, the specific details of that arrangement were not.[d] They were simply thrown out as suggestions upon which diplomatic conferences might commence. The position taken by Castlereagh was still more clearly defined in his letter of August 14, 1814.[e] The sine quâ non is there said to be the express inclusion of the Indians as allies in the treaty of peace, signifying that they were not to be ignored as in 1763 and 1783.

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[a] Annual Report of the American Historical Association, 1894, p. 433, note.

[b] Henry Adams, IX : 7.

[c] "Castlereagh Correspondence," X : 67–72.

[d] "Upon the subject of the Indians, you will represent that an adequate arrangement of their interests is considered by your Government as a *sine quâ non* of peace; and that they will, under this head, require not only that a full and express recognition of their limits shall take place: you will also throw out the importance of the two States entering into arrangements which may hereafter place their mutual relations with each other, as well as with the several Indian nations, upon a footing of less jealousy and irritation. This may be best effected by a mutual guarantee of the Indian possessions, as they shall be established upon the peace, against encroachment on the part of either State.

* * * * * * *

The best prospect of future peace appears to be that the two Governments should regard the Indian territory as a useful barrier between both States, to prevent collision; and that, having agreed mutually to respect the integrity of their territory, they have a common interest to render these people, as far as possible, peaceful neighbours to both States * * * ."

[e] "Castlereagh Correspondence," X : 90.

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The misconception as to the real character of the buffer State proposition may be doubtless attributed to the unusual stress laid upon it in the course of the negotiations and, more than all, to the fact that both the British and American commissioners in turn seem to have considered the mere recognition of Indian boundaries, which Castlereagh had declared to be incidental to the sine quâ non proper, as identical with the erection of a neutral belt.[a] It was not necessarily so, and there is no authority for supposing that the British cabinet originally intended it to be. The recognition of a boundary was an integral part of the ultimatum, the establishment of a buffer State was a subject for discussion only.[b]

It is furthermore a misrepresentation of facts to accuse the British Government in the person of its foreign secretary of a willful design to create a neutral belt solely at the expense of the United States. Lord Liverpool's instructions of the 31st of August, issued after the American note[c] complaining of nonreciprocity had been received, were a strong repudiation of any such charge.[d] The confusion arose doubtless from the fact that the British, in proposing the Greenville treaty as a starting point, neglected to state specifically, as they did later,[e] a corresponding contraction of Canadian territory. Very early they declared themselves averse to demanding anything by way of conquest;[f] and it was not until the Americans objected to a resignation of any of the territory ceded by the Indians since 1795[g] that they went one step further and pronounced the war to have abrogated the treaty of Greenville.[h]

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[a] J. Q. Adams's "Memoirs," III: 6, 19; American State Papers, "Foreign Relations," III: 708; "British and Foreign State Papers," I, part 2, pp. 1585–1586.

[b] J. Q. Adams's "Memoirs," III; entry in diary, August 10, 1814; British Note of September 4, 1814; "British and Foreign State Papers," I, part 2, p. 1605.

[c] American State Papers, "Foreign Relations," vol. III: pp. 711–713.

[d] "On the subject of the Indians the Commissioners must repeat that an adequate provision for their interest is conceded by the British Government as a *sine qud non* in any pacific arrangement between the two countries; but it has never been the intention of the British Government to propose to the Government of the United States any stipulation on this subject which they were not ready reciprocally to adopt. They have proposed for this purpose as the basis of an arrangement a treaty concluded by the Government of the United States with the same Indians; and, whatever restrictions are imposed on the subjects of the United States with respect to the Indians in the districts under the American Government, the British Government are ready to adopt with regard to those Indians who may reside in the districts under their power.

If the peculiar circumstances of the Indian tribes and natives render such an arrangement inconsistent, let it be fairly considered whether an allotment of territory at present uninhabited by either British or American subjects cannot be allotted to them, to which the respective Governments of Great Britain and America shall forego all right. The object of the British Government is to fulfil their engagements to the Indians, to secure them against encroachments, and to remove all cause of misunderstanding in future. * * * " Yonge's "Liverpool," II: 66–67.

[e] "British and Foreign State Papers," I, part 2, p. 1605.

[f] J. Q. Adams's "Memoirs," III: 18.

[g] Ibid., pp. 11, 19.

[h] Bathurst to Goulburn, September 1, 1814, "Wellington Supplementary Despatches," IX; 245–249; "British and Foreign State Papers," I, part 2, pp. 1605, 1614.

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The fate of the buffer-State proposal is instructive because of its bearing upon Indian removal. Had it been accepted, removal for the northwest tribes would never have been necessary. It might have brought about a similar arrangement on the southern frontier, or, failing that, have consolidated the tribes in the northern instead of in the western region. It is not quite clear from the documents just how comprehensive it was expected to be. Apparently its benefits were to be restricted to the northwest tribes, since they were the only ones finally included in the amnesty clause.[a] Perhaps, however, if the British commissioners had been a little more explicit as to what they meant and the American had been willing to meet them halfway, the matter might have had a discussion on its own merits and resulted in the collection of all the North American Indians in one place and their withdrawal from any territory occupied by citizens of Canada or of the United States. In content the proposition went very much further than removal ever did. It exceeded the most enthusiastic dreams of Isaac McCoy. He scarcely dared to hope for an Indian State in the Union. This was to be a State outside the Union, practically independent for all internal affairs. Its external affairs, we presume, were to be controlled by Great Britain and the United States conjointly. They were to exercise the authority of a suzerain, each against the unprovoked encroachments of the other, with the right of conquest, though not of purchase, remaining in the protectorate powers.[b]

Naturally enough the question arises, Was the plan feasible? Its rejection by the American commissioners can hardly be taken offhand as a sure criterion of its worth. They came to Ghent quite unprepared to include the Indians in the general pacification,[c] and, thus hampered, thought it useless to confer on the special topic of the buffer State. Clay was of the opinion that the American people would never accede to any such arrangement, and he was probably right. In the absence of instructions, the commissioners even hesitated to discuss the matter with a view to a provisional article.[d] The negotiations, notwithstanding, hinged for two months upon the Indian question. For a brief space, the British expected a compliance with their wishes;[e] but were soon undeceived. The Americans steadfastly refused to recede from the position that, in so far as the outside world was concerned, the Indians were the subjects of the country in which they resided, be it Canada or the

[a] "Treaties and Conventions," pp. 404–405.

[b] Goulburn to Bathurst, August 21, 1814, "Wellington Supplementary Despatches," IX: 188; Castlereagh to Liverpool. August 28, 1814; "Castlereagh Correspondence," X: 101; J. Q. Adams's "Memoirs," III: 9.

[c] J. Q. Adams's "Memoirs," III: 7.

[d] Ibid., p. 8.

[e] Castlereagh to Liverpool, August 28, 1814, "Castlereagh Correspondence," X: 100.

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United States.[a] A change in their status through the intervention of a foreign power was not to be thought of. The British somewhat weakly attacked this position and referred to the practice of treaty-making as proof that the tribes were considered, on occasion, by the Americans as independent powers.[b]

So much at variance were the opposing diplomats on the Indian question that, toward the end of August, the rupture which J. Q. Adams had anticipated[c] became well-nigh an accomplished fact.[d] Castlereagh pretended to be much annoyed at Goulburn's insistance and complained[e] to Liverpool that one of two things remained to be done—either to continue the war by placing it "solely and avowedly on a territorial basis" or to recede somewhat from the earlier position and induce the Americans among other things "to sign a provisional article of Indian peace as distinct from limits." Gallatin had foreseen this predicament, but had prophesied a different way of withdrawing from it.[f] In his opinion, Great Britain would force an issue on the Canadian frontier so as to drive the Americans to prosecute a vigorous Indian war, in which the troublesome natives would be either exterminated or compelled to sue for peace. There would then be no occasion for defining limits, much less for erecting a buffer State.

Lord Liverpool more than acquiesced in the criticism of Goulburn. His motive was anything but worthy or his course fair. Knowing it to be incumbent upon the ministry to extricate itself from such an awkward dilemma, he was ready to charge the British commissioners with having exceeded their instructions and the American with having taken for ultimata points that were brought forward for discussion only and at their own suggestion.[g] Considering how unwilling the Americans had been to bring the Indians into the negotiations at all, the perversion of truth is self-evident. Goulburn tried to evade responsibility by insisting that the United States had never seriously wished for peace and that her commissioners had seized upon the Indian boundary question as an easy way of reconciling the nation to a continuance of the war[h]—an argument that found ready favor with British editors[i] against whose nation the charge of temporizing could have been more appropriately brought.[j]

[a] American Note, September 9, 1814, American State Papers, "Foreign Relations," III: 715–717.

[b] J. Q. Adams's "Memoirs," III: 9, 27; British Note, September 4, 1814; "British and Foreign State Papers," I, part 2, p. 1605.

[c] J. Q. Adams's "Memoirs," III: 20–21.

[d] Goulburn to Castlereagh, August 26, 1814, "Castlereagh Correspondence," X: 99.

[e] Ibid., pp. 100–102.

[f] "Writings," I: 637–640.

[g] Liverpool to Wellington, September 2, 1814, "Wellington's Supplementary Despatches," IX: 211–213; Liverpool to Castlereagh, September 2, 1814, ibid., p. 214.

[h] Goulburn to Bathurst, September 5, 1814, ibid., p. 221.

[i] "Annual Register," 1814, p. 192.

[j] Henry Adams, IX: 27.

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The determined attitude of the American commissioners finally brought about a modification of British demands. The instructions of September 16 [a] renewed the ultimatum of Indian pacification and restoration to ante bellum rights and privileges, but weakened the neutral belt position by making it conditional in time.[b] The note [c] prepared in accordance therewith reached the Americans on the 20th instant.[d] They were still dissatisfied. On the 27th they received letters and papers from home which apprised them of a treaty [e] that had been lately concluded with the refractory Indians—welcome news—which was, at Clay's suggestion, communicated to the British commission.[f] This had, undoubtedly, much to do with the final abandonment of the plan for an Indian neutralized State. It had proved so deeply offensive [g] to Adams and his colleagues that it is no wonder the British seized the first opportunity to surrender it with honor. Indeed, it is a question whether Parliament would have supported them in its enforcement.[h]

It has been sometimes intimated that Great Britain was not sincere in her advocacy of a neutral belt, and that it was only a ruse to gain time. There was certainly much to be hoped for from procrastination; but there is no shadow of a doubt that she wished for a permanent barrier between the United States and Canada.[i] The spirit of aggrandizement shown by the former in the direction of Louisiana and Florida, coupled with the intemperate speeches of Congressmen [j] and the proclamations of invading generals,[k] seemed to offer incontrovertible evidence that the acquisition of Canada had been the controlling motive in declaring war at a time when Great Britain was fighting for the liberties of Europe. Moreover, the Indians to be benefited were British allies, and by championing their cause the fur trade monopoly, which the Americans had frequently hinted at re-

[a] "Wellington's Supplementary Despatches," IX: 263–265.

[b] "They are further instructed to offer for discussion an article, by which the contracting parties shall reciprocally bind themselves not to purchase the lands occupied by the Indians within their respective territory, according to boundaries to be agreed upon; this engagement, however, to be subject to revision at the expiration of a given period. It is hoped that, by making the engagement subject to revision, it may obviate the objection to the establishment of a boundary beyond which the settlements of the United States should be forever excluded." Ibid., p. 265.

[c] "British and Foreign State Papers," I, part 2, pp. 1613–1616.

[d] J. Q. Adams's "Memoirs," III: 36.

[e] 7 United States Statutes at Large, p. 118.

[f] J. Q. Adams's "Memoirs," III: 43, 44.

[g] Goulburn to Bathurst, September 16, 1814, "Wellington Supplementary Despatches," IX: 265–267.

[h] (1) Hansard's "Parliamentary Debates," XXIX: 367–387. (2) The British people were also probably not in sympathy with any measure recognizing to so great an extent Indian rights. (New Annual Register, LVI: 192.)

[i] J. Q. Adams's "Memoirs," III: 25; Protocol of August 8, 1814, American State Papers, "Foreign Relations," III: 708; British note, August 19, 1814; ibid., p. 710.

[j] Swain's "Clay," I: 16.

[k] Niles's Register, II: 357; Cruikshank, p. 193.

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stricting by denying access to the western regions, might be confirmed to the Canadians. That the object of Great Britain was, in the main, a selfish one goes without saying, yet she deserves credit for the effort displayed to preserve the integrity, such as it was, of the northwest tribes. The Americans were equally selfish in refusing to grant the concession. They placed themselves on record as resorting to Indian treaty making as a temporary expedient only. They admitted that they had no intention of regarding such compacts as binding, not even though they were made by duly accredited commissioners and solemnly ratified by the Senate. The history of the contemplated buffer State is an interesting reflection upon the United States Indian policy. It is the best possible proof that the Indian war of 1811–12 was the outcome of territorial aggressions. When we come to consider J. Q. Adams as President and as the friend of the Georgia Creeks, a doubt will arise as to whether the man most instrumental in 1814 in refusing to the Indians "some spot where they might live in tranquillity" could conscientiously be the advocate of Indian removal on the John C. Calhoun plan.

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Chapter IV.

THE PROGRESS OF INDIAN REMOVAL FROM 1812 TO 1820.

The war of 1812 marks a great change in Indian affairs. The agitation of the removal project, previously confined to individuals or at most to communities essentially local, extended itself to States. Jefferson's plan, exaggerated to the prejudice of the Indians, entered politics; and, although it never became what would be strictly called a party issue, joined forces, nevertheless, with the tariff and internal improvements to divide the sections. In point of fact, it figured in its later days as a purely Democratic measure, involving the doctrine of State rights, and on this, its constitutional side, became identified with the history of the Southern States. On its economic side it belonged equally to both South and West. There party lines were forgotten.

In reviewing the history of Monroe's Administration, the student is forcibly impressed with the apparent unanimity of opinion respecting the Indian policy of the Government. Monroe, Calhoun, and Jackson stood at the head of a coterie of men favoring vigorous measures. Jackson was the leading spirit and began to exercise a most weighty influence over the Indian policy of the Government as far back as the time when Monroe held the portfolio of War—an influence which, after Monroe became Secretary of State and presumptive heir to the Presidency, increased in character and amount, proportionate to the development of Jackson's own ideas. From 1817 the influence continued, working at times directly through personal correspondence with Monroe, but most often indirectly through Calhoun. Prominent as the President and his Secretary of War appear in those years to have been as revivalists and propagandists of the removal idea, they were not the soul of the movement, for that was Jackson. They simply fell in with his ideas, adopted them as far as their conservatism would permit, and gave official expression to them. Jackson was essentially a western man with western ideas, anxious for western development, no real friend of the Indians. It is true his influence over them was almost unbounded, owing partly to his military reputation, partly to the great show he made of justice. The enemies of the Indians were invariably to be found among his strongest supporters. As commander of the southern division, then as governor of the Floridas,

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his opinions carried weight with the War Department and, for ten long eventful years, he and his friends managed to secure most of the Indian patronage.

The economic results of the second war with Great Britain were more immediate than the political. They manifested themselves in the unprecedented growth of home industries. European trade being cut off, the nation fell back upon its own, as yet undeveloped, resources and the consequence was that a new impetus was given to all branches of economic life. This created a demand for labor, which, to a great extent, disorganized Europe supplied. Few foreigners ventured beyond the Alleghanies, but settlers from the older States, who had filed westward during the period of commercial depression, caused by the embargo and nonimportation acts, were less diffident.[a] Upon the cessation of hostilities they were joined by other pioneers, young men mostly, hardy and enterprising, who, having shared in the western campaigns, had become filled with enthusiasm to penetrate the solitudes of the upper Mississippi Valley.[b] Their eagerness was heightened by the expectation that the lands of the hostile tribes would be confiscated and thrown at nominal rates upon the market.[c] The Indians, discouraged by repeated failures, were powerless to make headway against the stream of immigration and it flowed on unobstructed. So fast did the population increase that two of the three Territories, Michigan, Illinois, and Indiana, that had in 1810 contained less than 42,000 inhabitants, were soon admitted to statehood, Indiana in April, 1816, and Illinois two years later. Nevertheless, settlers did not arrive so fast as the Indian country was vacated. Politicians seemed to think that an immense surplus acreage must always be held in reserve, cleared of Indians so as to swell the advertisement of public lands. The extinguishment of Indian titles became in truth almost a mania in the Northwest and that even before Madison's term had expired. Crawford was indignant and restrained as best he could an extinguishment that went too far in advance of settlement.[d]

The impulse to spread over new lands and to attract settlers was scarcely less active in the slaveholding communities, and everywhere growth came at the expense of the natives. The capitulation of the Hickory Ground,[e] secured by General Jackson from some of the Creek chiefs after the final defeat of the "hostiles" in the battle of the Horseshoe Bend, proved the nucleus of cessions in the South

[a] McMaster, IV : 382.
[b] Monette, II : 532.
[c] Niles's Register, IV : 315.
[d] Crawford to Clark, Edwards, and Chouteau, May 7, 27, and September 17, 1816, "Indian Office Letter Books," Series I, C, pp. 340–342, 363, 425.
[e] 7 United States Statutes at Large, 120–122.

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vastly more extensive than those of the North, and was the first step in the direction of systematic removal. The circumstances of its exaction, added to the incompleteness and stringency of its terms, made it a fruitful source of trouble which came out when the commissioners,[a] appointed by act of Congress,[b] attempted to run the lines of its cession. They anticipated opposition from three distinct parties; namely, the friendly Creeks, who claimed that the ratified document was not the one they had sanctioned;[c] the hostile Creeks, who had Colonel Nicolls's assurance that the treaty of Ghent rendered Jackson's treaty nugatory,[d] and the bordering tribes, whose limits were likely to be encroached upon.

The twofold Creek opposition may be disposed of in a few words. It practically amounted to nothing. The commissioners, protected by the strong military guard detailed by Jackson for the purpose, began, after some preliminaries,[e] to mark the only line specified in the treaty, which was a broken line extending through central Alabama from a point on the Coosa (near where the Creek and Cherokee boundaries were supposed to intersect) to the Chattahoochee, and thence at right angles across the southern part of Georgia.[f] The friendly Indians followed them aimlessly,[g] their destitution precluding all possibility of resistance. When the commissioners first saw them at Fort Strother, they were reported as literally starving,[h] the United States having failed to supply them with the provisions promised by the seventh article of the treaty. And so the line proceeded unobstructed to Summochico Creek on the Georgia border. Not far away, at the junction of the Flint and Chattahoochee, the "hostiles" had assembled to bar its extension eastward. This was the first show of resistance by force, and it was only a show. The Indians were frightened at the sight of so many soldiers, and contented themselves with swearing that the land, though surveyed, should never be settled.[i]

The opposition of the neighboring Cherokees, Choctaws, and Chickasaws was a much more serious affair. It reached its climax when

[a] William Barnett, Benjamin Kershaw, and John Sevier were the men first appointed. Colonel Kershaw soon resigned and General Sevier died in October. Their places were respectively filled by Colonel Hawkins and General Gaines. "Jackson Papers."

[b] March 3, 1815, 3 United States Statutes at Large, 228.

[c] Macdonald to Gaines, October 5. "Jackson Papers," 1815.

[d] Protest of Nicolls, addressed to Hawkins, June 12, 1815. Ibid.

[e] Toulmin to Jackson, July 3, 1815; Hutchings to Jackson, July 7, 1815; Hawkins to Dallas, July 8, 1815; Hawkins to Jackson, July 17, 1815; Hawkins to the Commissioners, July 18, 1815. Ibid.

[f] John Donelson to Jackson, July 23, 1815. Ibid.

[g] Hawkins to Macdonald, September 22, 1815; Hawkins to Gaines, October 17, 1815. Ibid.

[h] Strother to Jackson, June 6 and 10, 1815; Gaines to Jackson, June 8, 1815. Ibid.

[i] Hawkins to Jackson, December 1, 1815. Ibid.

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Gen. John Coffee[a] started an independent survey of the lines that would limit the Creek cession to the north and west—a most unwarranted proceeding and one not within the province of the Commission.[b] To quiet the Cherokees, he made a private contract with Richard Brown,[c] the chief of the village through which the line passed, an irregular course, to be sure, yet Jackson approved it[d] and otherwise seconded Coffee's efforts by personally remonstrating with the Chickasaws, threatening dire vengeance should any insult be offered to his lieutenant.[e] Ere long a Cherokee delegation obtained a hearing at Washington and entered complaint against the measures of the Commission. Colonel Meigs was present, and testified to the authenticity of a document by which, a year and a half before, Jackson had himself recognized the Cherokee claims.[f] As a consequence, the Department of War entered into a convention of limits, March 22, 1816,[g] from which Jackson's intense hatred for Crawford is said to date and to which he certainly took great exception.[h]

At about the same time the Department of War resolved upon other and similar conventions, the understanding being, that a preliminary inter-tribal conference, recommended by Barnett and his colleagues,[i] should first be held in the Chickasaw council house. That being done, Coffee, John Rhea, and Col. John McKee were to negotiate with the Choctaws;[j] Jackson,[k] Gen. David Meriwether, and Jesse Franklin with the Chickasaws.[l] Both commissions were successful; yet, judged by the white man's standard, the methods

[a] General Coffee was not a bona fide member of the Commission. Jackson had wished him to succeed Kershaw, but had been a little late in urging the appointment. (Graham to Jackson, July 28, 1815. "Jackson Papers.") The serious illness of Hawkins soon gave prospects of another opening, and Gaines was instructed, should anything happen, to fill in an accompanying blank commission with Coffee's name (Graham to Gaines, October 14, 1815, ibid.), which he straightway proceeded to do without waiting for the contingency to occur. There were then four men on the Commission, while Congress had provided for but three. The proper thing for Coffee to do was to withdraw, but apparently he had no such intention. Jackson and he now had the opportunity they had waited for so long and it was not to be lightly thrown away. A letter, found among the "Jackson Papers," bearing date December 27, 1815, would show that Jackson and Coffee were suspected of being personally interested in the new lands; but their eagerness may have been simply that of all Tennesseeans.

[b] Crawford to Jackson, May 20, 1816. "Indian Office Letter Books," Series I, C, p. 351.

[c] Coffee to Jackson, February 8, 1816. "Jackson Papers," 1816.

[d] Jackson to Coffee, February 13, 1816, ibid.

[e] Jackson to George Colbert, February 13, 1816, ibid.

[f] John Donelson to Jackson, July 23, 1815; Hawkins to Jackson, August 4, 1815; Jackson to Brown, a Cherokee, August 10, 1815, "Jackson Papers," 1815; Crawford to Jackson, June 19, 1816, "Indian Office Letter Books," Series I, C, pp. 382–384.

[g] 7 United States Statutes at Large, p. 139.

[h] Parton's "Jackson," II: 356; Schouler, III: 62, note.

[i] Resolve of February 9, 1816, "Jackson Papers."

[j] Letter of Instructions, "Indian Office Letter Books," Series I, C, pp. 353–355.

[k] Jackson had wished to serve on the Choctaw Commission, but there was no place for him. Coffee was appointed because he had already compromised himself with the tribe, Rhea because a political debt was owing to him for good work in the late session of Congress, and McKee because he was the resident Choctaw agent. (Crawford to Jackson, May 20, 1816, "Indian Office Letter Books," Series I, C, p. 351.)

[l] Letter of Instructions, "Indian Office Letter Books," Series I, C, pp. 395–403.

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pursued were anything but honorable.[a] Intimidation and bribery have no legitimate place in civil or diplomatic contracts. Such practices were, however, so much a part of negotiations with the Indians that we can safely take them henceforth for granted.

While these conventions were in progress, removal was again brought to the notice of the southern Indians. Late in the preceding winter, the Tennessee contingent in Congress[b] urged Madison to rid their State of the Cherokees. The time seemed opportune, for local prejudice supported Jackson's construction of the Creek cession, so much so, indeed, that settlers appropriated the contested territory and declared that they would vacate it only upon the understanding that it was a part of the public domain.[c] Such quibbling was highly flattering to Jackson's vanity, and he hesitated to enforce the law against intruders until compelled thereto by a peremptory order from Crawford.[d] Negotiation, under such circumstances required either very delicate or very vigorous handling. It was first intrusted to Meigs; but, in the event of failure,[e] was to devolve upon Jackson, Meriwether, and Franklin. That was enough for Jackson. Soon we find him managing the whole business and acting in a double capacity as commissioner for Tennessee and for the United States.[f]

Jackson made a provisional arrangement with the Cherokees at the Chickasaw council house and a little later met them at Turkey Town, where, with Crawford's tacit approval,[g] the old proposition of exchanging lands was discussed. The matter came before the meeting in this wise: For some time past the Cherokees on the Arkansas had been much molested by the Osages and Quapaws and had appealed to the United States for protection. It will be remembered no definite tract of territory had ever been assigned to them in the West and none was ever likely to be, since the Federal Government deemed it inexpedient to treat with them except upon the principle of exchange. Concerning the purport of Jefferson's talk of 1809, the Eastern and Western Cherokees represented two widely differing schools of interpretation. Indeed, at the earlier March convention,[h]

[a] Journal of the Commissioners for holding Chickasaw treaty, "Jackson Papers," 1816.

[b] Crawford to Meigs, May 27, 1816, "Indian Office Letter Books," Series I, C, pp. 365–366.

[c] Crawford to Jackson, July 1, 1816, "Indian Office Letter Books," Series I, C, pp. 389–390.

[d] Ibid.

[e] Letter of Instructions, "Indian Office Letter Books," Series I, C, pp. 395–403.

[f] Commission from Governor McMinn, August 30, 1816, "Jackson Papers."

[g] "Should an arrangement be made founded upon the principle of exchange as Contemplated by Mr. Jefferson and the Cherokee emigrants, a cession adjoining the settlements of Georgia may possibly be obtained." (Extract from Instructions of September 12, 1816, "Indian Office Letter Books," Series I, C, p. 420.) American State Papers, "Indian Affairs," II: 104.

[h] Crawford to William Clark, Governor Ninian Edwards, Auguste Chouteau, September 17, 1816, "Indian Office Letter Books," Series I, C, p. 424.

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delegates from the former took the stand that, as the national council had not been a party to the transaction of 1809, the tribe was under no obligation to surrender land proportionate to the number of emigrants. The matter was now referred to the assembled chiefs at Turkey Town, but with no other result than that it raised the question of the practicability of removal.[a] Jackson anticipated much from this discussion,[b] his enthusiasm spread abroad,[c] and even affected the War Department.[d]

Although Monroe seems not to have seen his way clear to outlining a policy of general removal in any official communication prior to 1824, there is no doubt that some such purpose was well defined in his own mind at the very commencement of his Presidency. The Fourteenth Congress had shown itself opposed to Indian emigrations on a large scale. Nevertheless, the Senate of the second session had managed, though with difficulty, to pass a bill for general exchange, but pressure of business had blocked it in the House. Monroe had therefore no recent Congressional sanction to work upon; but, not to be deterred in his object, he revived[e] the fifteenth section of the otherwise obsolete Louisiana Territorial act of 1804. At various times thereafter communications were opened with the Indian tribes north and south.

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[a] "Oct. 4 * * *. It was intimated however to us by several of the chiefs that a strong disposition prevailed among many Individuals of the nation to emigrate to the West of the Mississippi & they wished to know whether in the event of a national removal it was practicable to effect an exchange with the General Government giving their Teritory in this neighbourhood for a like extent in the vicinity of White River. We encouraged a belief that it was feasible & advised that when the nation had come to a conclusion on the subject, that Delegates clothed with full authority to negotiate a Treaty of exchange should be sent to Washington * * * ." ("Journal of the Commissioners," "Jackson Papers," 1816.)

[b] Jackson to Crawford, October 18, 1816, American State Papers, "Indian Affairs," II: 102–103.

[c] "Fay E. Ville, 11th October, 1816.—Magr. Franklin returns compliments to Genl A. Jackson and acknowledges the rect of his polite note of the 9th instant * * * Magr. Franklin is happy to be informed that the Genl. believes that those tawny brothers of ours will shortly be disposed to exchange their present Domicile for lands on the Arkansaw or White river, and woud be highly gratified that in the course of the next year the Genl might be the organ of such exchange and while engaged in the business have better *water* to *Drink than* the *Chickasaw old field* affords * * *" ("Jackson Papers.")

"* * * I am sorry you could not prevail on the Cherokees to sell on the North Tennessee, tho. I have strong reasons to believe they will agree to an exchange of Territory as spoken of in your letter 16th Oct. inst. Nearly 20 of the cherokees of whom ar Major Walker, Major Ridge Juleskey and several other head men are here who have agreed to hold a Talk with me this afternoon on the subject of an exchange so that in my next I will be able to give you some information on that score * * * ." (Extract of letter from Joseph McMinn to Jackson, October 21, 1816; "Jackson Papers.")

[d] "Whenever the Cherokee nation shall be disposed to enter into a negotiation for an exchange of lands they now occupy, for lands on the West side of the Miss'ippi, and shall appoint delegates, clothed with full authority to negotiate a treaty for such exchange, they will be received by the President and treated with on the most liberal terms." (Graham to the Commissioners, October 26, 1816, "Indian Office Letter Books," Series I, C, p. 437.)

[e] Graham to Jackson, May 14, 1817, "Indian Office Letter Books," Series I, D, p. 36.

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Trusting to the information received respecting the Cherokees,[a] Monroe had great hopes of their willingness to emigrate. Jackson and Meriwether were again appointed commissioners. Associated with them was Governor McMinn, whose special agent had all the winter been among the Cherokees industriously campaigning for removal.[b] A conference was arranged for at the agency; but it was not able to begin, as planned, on the 20th of June, inasmuch as delegates from the Arkansas branch were the only ones to put in an appearance.[c] Evidently Jackson had overestimated the disposition to remove. The Cherokee women,[d] influential half-breeds,[e] and several white men, including one missionary,[f] were known to be working against it. Their influence was great and had to be counteracted.

When negotiations did finally begin, much time was lost in debating Jefferson's talk. Some of the older chiefs impeached its credibility.[g] Jackson was at his wit's end. Either the Indians were deliberately lying or, as is more probable, had failed, at the time, to understand what Jefferson meant. One poor fellow who did understand it said the Secretary of War had turned him out of doors because he opposed the plan.[h] As the days wore away, the Eastern Cherokees seemed less and less disposed to treat. The Western were of course graciously compliant, since they had everything to gain and nothing to lose by an exchange. The negotiations ended the 8th of July in a treaty, the best that could be expected. Its every clause revealed the influence of the emigrants, and it was they who were to profit by it. Comparatively few of the other party signed. Of those who did, some, like Richard Brown and John Walker, were notoriously self-interested, easily susceptible to Jackson's influence. The rumor that the commissioners had failed to secure "the unbiased sanction of the tribe" was certainly based upon fact, and was likely to jeopardize ratification,[i] especially as the false assumption had been "too strongly enforced" that vested rights had accrued to the United States in consequence of the transaction of 1809.

The inherent weakness of the treaty of 1817[j] came to light prior to its legal execution. In the interval between July and December

[a] Meigs wrote to Crawford, November 8, 1816, saying that some of the Cherokees were already preparing to go to the Arkansas River and that he had drawn up a treaty of exchange for his "own satisfaction," a transcript of which he forwarded. (American State Papers, "Indian Affairs," II: 116.) This would indicate that the desire to emigrate was general enough to convince the agent of the practicability of exchanging eastern for western land.

[b] McMinn to Jackson, January 10, 1817, "Jackson Papers."

[c] Jackson to Monroe, June 23, 1817, "Jackson Papers."

[d] Copy of Nancy Ward's talk to the National Council at Amoiah, May 2, 1817, "Jackson Papers."

[e] Jackson to Robert Butler, June 21, 1817, "Jackson Papers."

[f] "Miscellaneous Files," Indian Office Manuscript Records.

[g] "Journal of the Proceedings," "Jackson Papers."

[h] Ibid.

[i] Graham to the Commissioners, August 1, 1817, "Indian Office Letter Books," Series I, D, p. 64.

[j] 7 United States Statutes at Large, 156–160.

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(the earliest date at which ratification could take place) great preparations were set on foot to incline the Cherokees to removal, and in cases of refusal to impress upon them the wisdom of taking 640 acres and of becoming citizens of the United States,[a] according to the eighth article. A special agent[b] was employed to assist Meigs, but even that did not satisfy the zeal of McMinn, and it was not long before he assumed the self-appointed task of canvassing the nation for emigrants.[c] The treaty contemplated a voluntary enrollment, but McMinn's methods were different.[d] There was no longer any doubt that force and fraud had been instrumental in securing signatures. The national will was lacking. So pronounced was the opposition that Graham's hopeful note to Cass July 30, 1817,[e] seemed very ill-timed. No pains, however, were spared to remove obstacles. In advance of an appropriation, the Secretary of War furnished[f] all things needful for the journey and prepared to extinguish[g] the Quapaw claim in Arkansas, which was then believed to limit the Cherokee territory on the west. All this testified to the heartiness with which the Administration entered into the plan for removal.

The attitude of the Cherokees augured ill for the peaceful execution of the third article. In fact, long before June came, the Department was advised by Walker[h] not further to antagonize the tribe by proceeding to the census taking. It was therefore deferred until September, and meanwhile McMinn, who had, with the President's approval, come to reside within the tribe, used the balance of the $80,000 appropriated to carry the treaty into effect in the way "best calculated to remove prejudice."[i] He even called out the Tennessee militia to compel obedience.[j] It was all of no use. The Cherokees as a body

[a] Graham to Meigs, August 9, 1817, "Indian Office Letter Books," Series I, D, p. 72.

[b] The name of Nicholas Byers was at first suggested but, as his interest in the turnpike road (7 U. S. Stat. at L., p. 198) was thought to stand in the way of hearty cooperation, Sam Houston's, at the instance of Jackson, was substituted.

[c] Graham to McMinn, November 29, 1817, "Indian Office Letter Books," Series I, D, p. 101.

[d] Calhoun to McMinn, January 19, 1818, "Indian Office Letter Books," Series I, D, p. 114; same to same, May 11, 1818, "Jackson Papers;" Calhoun to Forsyth, December 22, 1824, "Indian Office Letter Books," Series II, No. 1, p. 270.

[e] "Indian Office Letter Books," Series I, D, p. 62.

[f] Graham to Jackson, August 9, 1817, "Indian Office Letter Books," Series I, D, p. 70.

[g] Talk of Monroe to Arkansas Cherokee delegates, March, 1818, "Indian Office Letter Books," Series I, D, p. 124.

[h] Calhoun to McMinn, April 11, 1818, "Indian Office Letter Books," Series I, D, p. 135.

[i] In 1825, when Georgia was straining every nerve to force the hand of the Government in negotiating with the Creeks, documents were submitted by the Department of War to the House of Representatives which showed that McMinn had submitted to Calhoun some plan for extensive bribery; Calhoun had accepted it, and resubmitted it to McMinn under the name of instructions, as though it had originated with the head of the Indian Office. (Calhoun to Forsyth, "Indian Office Letter Books," Series II, No. 1, pp. 34, 41, 270, 285; Calhoun to Henry Clay, January 10, 1825, p. 287, ibid.)

[j] Calhoun did not object to intimidation, and he connived at bribery, yet he seems to have taken exception to the use of militia when the regular recruits were available. (Letter to Governor McMinn, August 1, 1818, "Indian Office Letter Books," Series I, D, p. 198.)

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were unalterably opposed to any radical change in their tribal relations, and met menace with menace.[a] The time never came when it was perfectly convenient and practicable to take the census; for a Cherokee delegation went to Washington and, by engaging to surrender a proportionate amount of land without it, secured the "Calhoun treaty"[b] of 1819, which, to the discomfiture of Southern politicians, effectually put an end to Cherokee removals for the time being. Not until 1828 did the tribe condescend to enter again into treaty relations with the United States Government.

Jackson's repeated successes with the Indians emboldened Monroe to send him, in the autumn of 1817, upon a mission among the Chickasaws,[c] the purpose being to sound them as to a relinquishment of territory in Kentucky and Tennessee covering, for the most part, Revolutionary war land grants to soldiers of the Virginia line. In the following May, under the recent appropriation act[d] "to defray the expenses incidental to Indian treaties," Generals Isaac Shelby and Andrew Jackson were commissioned to treat with them by sale or exchange.[e] Great latitude[f] was given in the expenditure of money and undoubtedly it was used to the best advantage.[g] It was only, however, after a very long time, that Jackson's "appeal to fear and

[a] "The conduct of part of the Cherokee nation, merits the severest censure. After the ratification of the treaty, resistance to its fair execution can be considered little short of hostility. The menaces offered to those who choose to emigrate or take reservations cannot be tolerated. It is an open violation of the treaty and will, in its final result, not avail them anything. The United States will not permit the treaty to be defeated by such means * * *." (Extract from letter of Calhoun to McMinn, July 20, 1818, ibid., p. 192.)

[b] 7 United States Statutes at Large, 195–198.

[c] Graham to Jackson, October 25, 1817, "Indian Office Letter Books," Series I, D, p. 88.

[d] 3 United States Statutes at Large, p. 463.

[e] "Indian Office Letter Books," Series I, D, p. 150.

[f] Calhoun to Shelby, July 30, 1818, "Jackson Papers."

[g] Jackson's actions in this negotiation were the occasion of a very bitter political controversy in later years, especially in connection with the salt lick (Article IV), which Col. John Williams accused him in the Senate of having caused to be leased to his particular friend, Maj. W. B. Lewis, "before the ink of the treaty was fairly dry." ("Jackson Papers," 1819–1831.)

A more disgraceful proceeding, well authenticated by the secret "Journal of the Commissioners" and by the evidence of Monroe's acquiescence (Message to Senate, November 30, 1818, "Monroe Papers," Vol. V) was the secret Government purchase of the Colbert reservations (Article V), for which Jackson gave his personal bond of $20,000. The deed of sale was not, for very obvious reasons, embodied in the treaty. The tribe, as it was, was very suspicious and would have been righteously incensed at the Colbert-Jackson duplicity.

While it may not be quite fair to ascribe mercenary motives to Jackson personally, as the Shelby family is said to have done later, this much is certain, he was the easy dupe of designing men, and was the devoted friend of land speculators. Upon his several Indian missions, he was invariably surrounded by a group of these, selfish and unscrupulous, who never lost a single opportunity to gain their own ends. The Indian records likewise show that the persons selected by him for clerical work and the like on the treaty ground were not above imposing upon the Government. Note, for instance, the case of Col. Robert Butler, who acted as secretary to this same Chickasaw treaty commission. His rates were so exorbitant that even Calhoun lost patience and refused to honor his bills. ("Indian Office Letter Books," Series I, D, p. 329.)

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avarice" in a measure succeeded. As the agent had prophesied,[a] the tribe could not be induced to move.[b]

While these things were going on, Col. John McKee, Gen. William Carroll, and Daniel Burnett, esq., were similarly treating with the Choctaws;[c] but they failed utterly. Almost a year later, March 29, 1819, a new commission issued with Jackson in the place of Carroll; for it was believed that the people of Mississippi, who had pressed for a cession, would not be easy until an effort under his supervision had been made.[d] Another failure was the result. The Choctaws refused to treat under any conditions,[e] and their obstinacy called forth a loud protest from Jackson[f] against the practice of Indian treaty making.[g] His argument was, that Congress ought to be held competent to deal with all Indian concerns. Things had come to such a pass under the existing system that the corruption of the chiefs was a prime requisite in every negotiation. For his part he hoped he would never again be called upon to treat with the Indians. But that was not to be. Before long Jackson was again in the Choctaw country, this time in company with Gen. Thomas Hinds. He had reconsidered his decision out of deference to the wishes of the people of Mississippi,[h] who were still clamorous for land and had lately secured from Congress an appropriation of $20,000, over which Jackson was, with Monroe's consent,[i] to have unlimited control.

As usual, Jackson selected as secretary to the Commission one of his own most intimate friends; but, even with that excellent opportunity for having only such facts recorded as would not be too damaging to himself, he seems not to have cared to preserve a very full account of

[a] Sherburne to Jackson, July 28, 1818, "Jackson Papers."

[b] "Confidential Journal of the Commissioners," "Jackson Letter Books," vol. K.

[c] "* * * The time and place of holding the treaty, and the terms to be offered, are left to your judgment and discretion; but if they can be brought to exchange lands on this side for that on the West of the Mississippi, the President would greatly prefer it * * * ." (Extract from instructions of May 2, 1818, "Indian Office Letter Books," Series I, D, p. 151).

[d] Senator T. H. Williams to Jackson, March 29, 1819, "Jackson Papers."

[e] Deliberations of the Choctaw Council, August 12, 1819, "Jackson Papers."

[f] Jackson to Calhoun, August 24, 1819, "Miscellaneous Files," Indian Office. It is well to remark that a letter of similar import and of almost the same phraseology is to be found in the Jackson Letter Books, Vol. L, under date of August 25, 1820. It must be a mistake in chronology, for, although Jackson was treating with the Choctaws at that time, he had no reason to despair of success.

[g] This letter was followed by others of the same tenor (Jackson to Calhoun, September 2, 1820, and January 18, 1821, "Jackson Letter Books," Vol. L), the immediate object of which was to get Congress, under a forced construction of the treaty of Hopewell, 1785 (7 U. S. Stat. at L., 18), to legislate for the removal of the Cherokees. There was some indication that could the power of the chiefs be thwarted, the rank and file would gladly emigrate. Undoubtedly, Jackson's was the common-sense view; but it was impossible in 1819 to anticipate the measures of 1871.

[h] Jackson to Calhoun, June 19, 1820, "Jackson Letter Books," Vol. L.

[i] Christopher Rankin to Jackson, May 16, 1820, "Jackson Papers."

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the inside history of the treaty of Doak's Stand.[a] In its absence, we are thrown back upon our own surmises as to the means employed to secure the cooperation of the Choctaw chiefs, especially as John Pitchlynn, the official interpreter, had made of himself an easy cat's-paw for Jackson. Internal evidence, furnished by the treaty, tells the same old story of perjured faith, yet the long array of signatures points to a more than ordinary compliance. We infer that the nation was well represented, and are surprised to learn that four years afterwards—when bitter passions had had ample time to cool—Puckshenubbe was soundly beaten for his subserviency to Jackson in 1820.[b]

By the first article of the treaty of Doak's Stand[c] the Choctaws ceded the coveted tract in western Mississippi, and obtained in exchange, by the second, a new territory between the Red and Arkansas rivers to which it was expected the more nomadic of the tribe would remove. If they went within one year the Government pledged itself to allow them the full value of their improvements,[d] Mississippi was delighted, and her legislature, sharing in the gratitude of Governor Poindexter,[e] resolved upon a vote of thanks to Jackson.[f] Congress appropriated $65,000 to carry the treaty into effect,[g] and a new agent,[h] William Ward, was appointed to register the emigrants; but it soon developed that very few, if any, were inclined to remove.[i] The time was extended another year, but to no purpose. One reason for their unwillingness to go was the difficulty that arose over their territory in the West. Jackson had been carefully instructed[j] to assign them an uninhabited portion of the Quapaw cession;[k] but scarcely was the treaty ratified before com-

[a] American State Papers, "Indian Affairs," II : 233–245.

[b] William Cocke to Jackson, July 10, 1824, "Jackson Papers."

[c] 7 United States Statutes at Large, 211.

[d] Article IX, ibid., p. 212.

[e] "* * * I beg you to accept the grateful acknowledgments of myself individually, and through me, as their executive magistrate, of the citizens at large. You will live in our affections to the latest period of time, and I trust our posterity will not be unmindful of the obligations, conferred on their ancestors * * *." (Extract from letter of George Poindexter to Jackson, October 25, 1820, "Jackson Papers."

[f] Resolution, approved February 9, 1821.

[g] 3 United States Statutes at Large, 634.

[h] In the appointment of Colonel Ward, we find one of the many proofs of the unwise selection of Indian agents. The character of the man seemed to count for almost nothing, apparently the more unscrupulous the better. Ward was appointed in March, and in October Calhoun had to call him to account for "vending whiskey" to the Choctaws and for applying to his own use their annuities. ("Indian Office Letter Books," Series I, E, p. 177.)

[i] "Indian Office Letter Books," Series I, E, p. 193.

[j] "Indian Office Letter Books," Series I, D, pp. 462–463.

[k] Monroe's method of procedure was more straightforward than Jefferson's. He did not tell the would-be emigrants that there were no red men in the West to dispute their entry; but he acknowledged the indigenous occupancy claim and prepared to extinguish as much of it as was necessary to locate the eastern tribes. That accounts for the instructions to William Clark and Auguste Chouteau, "to acquire lands on the west of the

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plaints came in to the War Department that citizens of Arkansas had a prior claim to the land.[a] Thus ended another futile attempt to dispose of the southern Indians without their free consent.

If a shade of doubt exists as to Jefferson's intention to include the northwestern tribes in the plan of removal, there is none in the case of Monroe. Madison, too, seems to have had no pronounced partiality for his own section. In the instructions issued June 11, 1814, to Harrison and Cass for bringing Tecumseh's warriors to terms, this thought occurs,[b] explicitly or inferentially: Offer in exchange, for a cession that would please the people of Ohio, "a tract of equal dimensions lying between Lake Michigan and the Mississippi." Instructions sent later in the same day[c] withdrew the authority to exchange, so that a simple treaty of offensive and defensive alliance was all that was negotiated.[d] Some seventeen months afterwards the first signer of this treaty—Tarhe, the Crane, principal chief of the Wyandots—died, and his clan expressed a wish to leave Sandusky for western parts.[e] Thinking it a good time to connect the white settlements of Ohio and Michigan, but not caring to appear solicitous for removal, the Government temporized and the opportunity was lost.

If, in tracing the history of removal from 1815 to 1825, we draw any comparisons between the working out of the Government policy in the South and Northwest, respectively, we must not fail to make allowances for the widely differing conditions in the two localities, remembering first of all that only a small part of one great tribe in the South took issue against the United States during the war period, while the numerous bands of the Northwest were almost universally hostile. Their natural propensities were more of the roving, hunting, and fighting order. The thirteen treaties of amity negotiated in the

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Mississippi in order to exchange with such of the Indians on this side as may choose to emigrate to the West * * * ." The result was the Quapaw treaty of August 24, 1818 (7 U. S. Stat. L., 176). A month later, Clark negotiated in a similar manner with the Osages (ibid., p. 183), it having been discovered that they and not the Quapaws obstructed the outlet of the Cherokees. (Calhoun to Reuben Lewis, July 22, 1819, "Indian Office Letter Books," Series I, D, p. 298.) Jefferson may have intended by the Osage treaty of 1808 (7 U. S. Stat. at L., p. 107), to prepare, in just the same way, for Indian emigration. This treaty was negotiated by Peter Chouteau under authority from Meriwether Lewis, governor of, and superintendent of Indian affairs in, Louisiana Territory, whose instructions (American State Papers, "Indian Affairs," I : 765,) state that the land was needed for white hunters and intimately friendly Indians. General Clark's communication to Secretary Eustis on the subject of the cession does not, however, indicate any such purpose as colonization.

[a] The Choctaws surrendered their claim January 20, 1825 (7 U. S. Stat. at L., 234); but not until they had thoroughly convinced the Government that the uncertainty respecting Indian tenure in the West was the main obstacle to general removal. How could it be otherwise when every group of emigrants thus far had had some such difficulty to contend with?

[b] "Indian Office Letter Books," Series I, C, p. 171.

[c] "Indian Office Letter Books," Series I, C, p. 172.

[d] 7 United States Statutes at Large, 118.

[e] General McArthur to John Graham, January 20, 1816, "Miscellaneous Files," Indian Office; Crawford to McArthur, February 14, 1816, "Indian Office Letter Books," Series I, C, p. 302.

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summer and early autumn of 1815 were not enough to insure peace. To all appearances, the Kickapoos, the Pottawatomies, and the Sacs and Foxes of Rock River continued unfeignedly hostile.[a] Removal, moreover, was not likely to be such a radical measure to the northwest tribes, inasmuch as some of them claimed hunting grounds on both sides of the Mississippi River, and thought nothing of crossing the stream at its narrower part to wage war against Sioux and Osages. Besides, treating with small tribes, whose title to a particular piece of land was always being disputed by other bands, was a very different matter from treating with the politically powerful Cherokees. Less effort is required in persuading the few than the many. It was, however, mainly owing to Governor Cass, of whose methods in dealing with the Indians too much can not be said as a general thing, or at least when we compare him with other Indian superintendents and treaty negotiators, in commendation, that greater success attended removal north of the Ohio River than was ever possible south.

The views of Monroe's Administration respecting exchange with northern tribes were first communicated to Cass in a letter of March 23, 1817,[b] by which he was instructed to interview the Indians of Ohio, and propose a negotiation on this basis: "that each head of a family, who wished to remain within the limits ceded, should have a life estate in a reservation of a certain number of acres, which should descend to his children in fee, reserving to the Widow, if any, her thirds; and that those who do not wish to remain on these terms should have a body of land allotted to them on the west of the Mississippi." Gen. Duncan McArthur was associated with Cass on the commission, and in deference to the wishes of Ohio Congressmen,[c] who estimated aright the advantages to be derived "from connecting

[a] The reports of their warlike intentions came mostly from Ninian Edwards and William Clark, governors of Illinois and Missouri Territories respectively. Lewis Cass, governor of Michigan Territory, declared such reports exaggerated. (Cass to Dallas, July 2, 1815, "Jackson Papers.") The chief cause of difficulty seems to have been the location of the 2,000,000 acres of military land designed for the soldiers of the late war. (Edwards to Jackson, August 9, 1815, "Jackson Papers.") The original plan of the Government was to select those lands in Michigan, but the country was falsely declared unproductive ("American Historical Association Papers," III: 72), and the Illinois country preferred. (Crawford to Cass, "Indian Office Letter Books," Series I, C, p. 360.) The change involved an encroachment upon the lands of the Sacs and Foxes, and it was not until September 13, 1815, that Clark, Edwards, and Chouteau were able to negotiate a cession. Even that was not sufficient to preserve peace, and in January, 1816, the Illinois militia was irregularly called out to protect the surveyors.

[b] Graham to Governor Cass, March 23, 1817, "Indian Office Letter Books," Series I, D, p. 22; American State Papers, "Indian Affairs," II: 136.

[c] (1) Graham to Cass and Gen. Duncan McArthur, May 19, 1817, "Indian Office Letter Books," Series I, D, p. 42; same to same, March 23, 1817, American State Papers, "Indian Affairs," II: 136.

(2) The time seemed propitious for extinguishing the Indian title in Ohio, inasmuch as the death of the Wyandot chief, "The Crane," had "occasioned great commotion among the Indians on the Sandusky" and the majority of them were desirous of emigrating to the White River country or even farther west. (McArthur to Graham, January 20, 1816, "Miscellaneous Files," Indian Office Manuscript Records; Crawford to McArthur, February 14, 1816, "Indian Office Letter Books," Series I, C, pp. 302–303.)

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the population of the State of Ohio with that of the Territory of Michigan," they were told that they might offer a more liberal compensation than usual for a relinquishment of the land in the vicinity of Lake Erie.[a] Both sets of instructions were interpreted liberally, the former so liberally, indeed, that many of the Indian allottees received grants in fee simple. The Senate[b] refused to contemplate so radical a change in the red man's tenure, and the commissioners were ordered to reopen the negotiation. In neither instance was any arrangement made for removal,[c] and yet a step was taken that would

[a] The Connecticut Western Reserve comprehended the greater portion of Ohio land bordering upon Lake Erie, and had long since been disencumbered of the Indian title, the eastern part by the Greenville treaty of 1795 and the western part, including the Sufferers', or Fire Lands, by the Fort Industry treaty of 1805 ("Indian Land Cessions in the United States," pp. 667, 668; "The Firelands Pioneer," January, 1906).

[b] American State Papers, "Indian Affairs," II: 149; Calhoun to Cass and McArthur, May 11, 1818, "Indian Office Letter Books," Series I, D, p. 160.

[c] Removal was, however, as is shown by the following letter, suggested:

ST. MARY'S, *Sept. 18, 1818.*

SIR.

Accompanying this we have the honor to transmit you a treaty yesterday concluded by us with the Wyandot, Shawnese, Seneca and Ottawa tribes of Indians.

The proposition to remove to the west of the Mississippi was made to the three former tribes and enforced as far as we believed it politick to enforce it. It was received by them with such strong symptoms of disapprobation, that we did not think it proper to urge them too far upon the subject. The time has not yet arrived for them voluntarily to abandon the land of their fathers and seek a new residence in a Country with which they are unacquainted and among powerful and hostile Indians. As our settlements gradually surround them, their minds will be better prepared to receive this proposition, and we do not doubt, but that a few years will accomplish, what could not now be accomplished, except at an expense greatly disproportioned to the object.

The treaty now concluded, requires few observation from us. We trust all its stipulations will be found in strict conformity to our instructions.

The Chippewa, Potawatamie and Delaware tribes of Indians are not parties to this treaty. None of the provisions in the treaty to which this is supplementary, which related to them, has now been affected, and their participation was therefore unnecessary, and might have been injurious.

We have promised to the tribes, parties hereunto, that they shall receive a quantity of goods equal in value to the twelve thousand dollars. These goods cannot now be distributed, because such distribution would provoke the jealousies of the other tribes, who are waiting the result of the treaty to be negotiated for a cession of land in Indiana. It is thought politick to make a general distribution to all the tribes at the same time, and it is certainly proper that these tribes should receive as much in proportion to their numbers as any others. At the conclusion therefore of that treaty bills will be drawn upon the War Dept. for the amount of goods, which we think it correct to purchase, payable after the ratification of the treaty, and we trust they will be duly honoured.

We transmit an extract from the speech of the Ottawas in relation to the grant made by them to Doct[r] William Brown by the treaty concluded last year at the foot of the Rapids. We cannot but hope, that the claims will be confirmed. Doctor Brown's professional services to these Indians have been long continued and gratuitous, equally uncommon in their occurrences and honourable to him.

Very respectfully Sir
We have the honour to be
Yr. obt. servts

LEW CASS
DUNCAN MCARTHUR.

Hon. JOHN C. CALHOUN,
Secy. of War.

("Treaty Files," 1802–1853, Indian Office Manuscript Records.)

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inevitably lead to it. Indian lands in Ohio[a] were apportioned in reservations,[b] some so comparatively small that community life was imperiled.

The first treaty of exchange[c] successfully negotiated in the Northwest was entered into with the Delawares of Indiana, October 3, 1818. Presumably they were the Indians reported two years before[d] to be contemplating removal on their own account, something not at all surprising, considering how much and how far they had wandered since the days of William Penn. They had been approached, late in 1817,[e] for a cession on the Wabash and White rivers; but not for one whole year did anything result. Finally, Jennings, Cass, and Parke, under strong suspicions of compulsion,[f] stipulated for their removal to an unspecified country west of the Mississippi. As soon as possible, Governors Clark of Missouri and Miller of Arkansas were consulted[g] as to the best place to locate them. The tract agreed upon was that in southwestern Missouri[h] upon which the Cape Girardeau Delawares had encamped.[i] The emigrants were invited[j] to send out a reconnoitering party to pass judgment upon it; but they neglected[k] to and lingered[l] themselves so long on the road that the Government became impatient.[m] When they did at length reach the spot it fell so short of their expectations that they addressed a lengthy

[a] The Miami Indians lived partly in Ohio and did not relinquish their title until October 3, 1818. Monroe personally importuned them, May 5, 1818, and they pitifully told him that they had many times asked for a civilized life, but their speeches had been lost in the woods. ("Indian Office Letter Books," Series I, D, pp. 156–158.)

[b] The supplementary treaty of September 17, 1818 (7 U. S. Stat. at L., 178) changed the tenure of and in some cases enlarged the area of the allotments of the treaty of September 29, 1817 (7 U. S. Stat. at L., 160). It also created additional allotments. There were then twelve territorially distinct tracts, one Delaware, two Seneca, three Shawnee, three Ottawa, and three Wyandot, in Ohio.

[c] 7 United States Statutes at Large, 188.

[d] Graham to Governor Jonathan Jennings, December 31, 1816, "Indian Office Letter Books," Series I, C, p. 451.

[e] Graham to Gen. Thos. Posey and Benjamin Parke, October 25, 1817, "Indian Office Letter Books," Series I, D, p. 87.

[f] "We have had direct information of the Treaty with the Indians, and it is reported, that 'the Delawares were *forced* to sell, and to sign the Treaty;' and that 'the poor Delawares had not a friend to support their cause!!' * * * ." (John Sergeant to Rev. J. Morse, December 15, 1818, Morse's Report, Appendix, p. 116.

[g] Calhoun to Cass, August 24, 1819, "Indian Office Letter Books," Series I, D, p. 313.

[h] The memory of John Johnston, agent to the Delawares, must have played him false when he wrote, "I removed the whole Delaware tribe, consisting of 2,400 souls, to their new home southwest of Missouri River, near the mouth of the Kansas, in the years 1822 and 1823." (Cist's "Cincinnati Miscellany," December, 1845, II: 241.) The Delawares were not transferred to the fork of the Kansas and Missouri rivers until the early thirties. (Adams, p. 154.)

[i] "Indian Land Cessions in the United States," p. 725.

[j] Calhoun to John Johnston, January 6, 1820, "Indian Office Letter Books," Series I, D, p. 354.

[k] Calhoun to Clark, June 27, 1821, "Indian Office Letter Books," Series I, E, p. 125.

[l] Calhoun to Pierre Menard, August 8, 1821, "Indian Office Letter Books," Series I, E, pp. 141–142.

[m] Calhoun to Clark, August 30, 1822, "Indian Office Letter Books," Series I, E, p. 320.

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complaint to Monroe,[a] their principal grievance being the ridiculously small acreage given in exchange[b] for all their valuable[c] possessions in Indiana.

It was not to be supposed for one moment that Illinois[d] could watch these proceedings in behalf of sister States with equanimity and leave her own Indians in peace. In November, 1817, therefore, Clark and Edwards were commissioned to treat[e] for an exchange with the Kickapoos and Pottawatomies, but they met with no success.[f] Indeed, no further progress was made in removal until the treaty of Edwardsville, July 30, 1819,[g] provided for the emigration of the Kickapoos,* exclusive of those on the Vermillion,[h] to that part

[a] "Father: We know you have fulfilled your promise to us as furnishing provisions untill we get to our land. We have got in a Country where we do not find as was stated to us when we was asked to swap lands with you and we do not get as much as was promised to us at the Treaty of St. Marys neither.

Father: We did not think that big man would tell us things that was not true. We have found a poor hilly stony Country and the worst of all no game to be found on it to live on * * * ." (Extract from address of Delaware Chiefs on White River to Monroe, February 29, 1824, "Miscellaneous Files," Indian Office MS. Records.)

[b] Calhoun to Clark, March 3, 1824, "Indian Office Letter Books," Series I, F, p. 58.

[c] The Stockbridge Indians had a joint claim with the Delawares to the land in Indiana, but, as we shall afterwards see, their rights were totally ignored by the treaty of St. Marys.

[d] Illinois profited, though only in a very slight degree, by the treaty of St. Marys, 1818. ("Indian Land Cessions, p. 692.) She received an enormous tract, however, from the Peoria-Kaskaskia cession of September 25, 1818 (7 U. S. Stat. at L., 181), but still she was not satisfied, especially as the Kickapoos contested the right to the northern part.

[e] "If either of the tribes who have a claim to the land is desirous of exchanging their claim for lands on the West of the Mississippi, you are authorized to make the exchange, and your extensive local knowledge of the country will enable you to designate that part of it, where it would be most desirable to locate the lands to be given as an equivalent * * * " (Extract from letter of Graham to Governors William Clark and Ninian Edwards, November 1, 1817, "Indian Office Letter Books," Series I, D, p. 94.)

[f] This must have been a great disappointment, for the Government hoped, by accurately fixing the boundaries and by reporting the quality of the land in detail, to facilitate emigration "from New England and the State of New York" to the country "lying between the Illinois River and Lake Michigan." (Graham to Edwards, November 8, 1817, "Indian Office Letter Books," Series 1, D, pp. 96–97.

[g] 7 United States Statutes at Large, 200.

[h] The Vermillion Kickapoos surrendered their land on the Wabash by the treaty of Fort Harrison, 1819. (7 U. S. Stat. at L., 202.) The cession was covered, unauthoritatively, by that of the main body done at Edwardsville the same year. ("Indian Land Cessions," p. 697.)

*By the letter of their instructions, March 25, 1819 ("Indian Office Letter Books," Series I, D, p. 272), the commissioners, Auguste Chouteau and Benjamin Stephenson, were ordered to extinguish the conflicting claims to the Peoria-Kaskaskia cession of September 25, 1818, but were not specifically empowered to suggest exchange to the various Illinois tribes. That they did so and immediately is evidenced by their correspondence with the War Department. There were probably other instructions, semi-official in character, since this same correspondence indicates a clear compliance with the Secretary's wishes: "In compliance with your instructions we have held a council at this place [Edwardsville, Illinois] with the Kickapoo Tribe of Indians—upon whose minds, impressions very unfavorable to the propositions we were authorised to make to them, had been produced by the artful and insidious representations of certain Traders who were amongst them last winter—and whose object evidently was, from interested motives, to prevent their removal to the west side of the Mississippi. We, however, have been so fortunate in removing those impressions as to render them not only willing but anxious to make the proposed exchange. And for the purpose of consummating the arrangement they have promised to meet us at this place in eight or ten weeks.

"But we feel it our duty to apprize you, of a difficulty that will probably occur which

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of Missouri lying immediately north of what was to constitute the Delaware Reservation. Their departure was much delayed by the

will be much more within yours, than our control—and which may, indeed, require efficient interposition on the part of the Government.

"The Pottowatomies who are neighbours to the Kickapoos, instigated, no doubt, by white men, and unwilling to see our settlements approximate theirs, as they think they will soon do, if the latter cede their land, have by every kind of menace endeavoured to deter the Kickapoos from entering into any agreement with us and they openly declare that the moment the Kickapoos commence their removal to the west side of the Mississippi, they will waylay, attack, plunder, and murder them. And we are not without some apprehensions that they may attempt to carry their threats into execution. We shall endeavor to conciliate them, and earnestly warn them of the danger of opposing the views of our Government in this particular.

"But if all this should prove insufficient, what next is to be done is for you to decide." (Letter from Aug. Chouteau, and Ben. Stephenson to Calhoun, June 7, 1819, "Miscellaneous Files," Indian Office.)

"I have rec'd your letter of the 7th ult. It is gratifying that you have so far succeeded in accomplishing the object of your Commission, as to obtain the consent of the Kickapoos to remove West of the Mississippi.

"It is to be hoped that the Potawatamies will not be so indiscreet as to attempt to execute the threats upon the Kickapoos on their removal across the Mississippi. Should they, however, oppose the movement in that way, it will be considered an act highly unfriendly to the United States, and will be noticed accordingly." (Calhoun to Aug. Chouteau and Benj. Stephenson, "Indian Office Letter Books," Series I, D, p. 293.)

ST. LOUIS, *the 20th August, 1819.*

SIR.

We are happy to inform you, that we have at length been fortunate enough, to bring to a successfull issue, the negotiations that have been so long depending with the Kickapoo Tribe of Indians, by a treaty, which we have the honor herewith to transmit to you, and which we flatter ourselves will meet with the President's entire approbation.

None could regret, more than we ourselves have done, the delays that have prevented an earlier consummation of so desirable, and important an Object, but it is but Justice to ourselves to state, that they have been unavoidably the result of the artifices, intrigues, and false reports of certain Indian traders, who left no effort untried—with either the Kickapoos themselves, or with the neighbouring Tribes, to dissuade, & deter the former, from treating with us, which added to a repugnance that they very strongly manifested, to leaving the place of their nativity, for a distant land, kept them almost to the last moment, in a constant state of oxiliation upon the subject. The chiefs themselves, when made willing to accede to the terms we proposed, hesitated to consumate a treaty till the apprehensions, prejudices, and predilections of their Tribe could be overcome, and several times, when we thought we were upon the point of concluding the negotiations successfully; occurances presented themselves, that rendered it necessary to suspend the business, and vary our propositions, particularly with regard to the limits of the land proposed to be given them in exchange. And even at the moment of signing the treaty; we were compelled to promise an equivalent in lieu of one of the stipulations, which previous to that time, they had seemed to make a sine qua non, which we prefered doing, rather than risque the further delay, that would have been necessary in preparing a new treaty.

The stipulation alluded to, is that which provided, that they should be furnished with two boats well manned, for the transportation of their property, from their present, to their intended residence. The subsequent agreement upon that subject, which is herewith transmitted, is however much to the advantage of the United States, as the amount given as an equivalent for that stipulation, is less than it would have cost, to have furnished the transportation agreed upon. And we have no doubt that the exchange was insisted upon, by the chiefs merely, for the purpose of enabling them by an additional quantity of goods, to give more satisfaction to a portion of their Tribe.

By the Treaty it will be seen that they have relinquished all their lands on the southeast of the Wabash river, where it is known to one of the Undersigned, they many years ago, held undisputed possession, and he believes, from the best information which his long residence in this country, and his intimate knowledge of the Indians thereof, have enabled him to obtain, that they had an incontrovertable right to a large extent of Country on both sides of the Wabash river, which they heretofore, had neither abandoned, or relinquished.

Claiming the most, if not the whole of the land which was ceded by the Pottawatamies, by the treaty of St. Mary's, on the second October 1818, they have relinquished all

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Senate refusal to ratify the treaty until an obnoxious clause which

their right to the same, and have released the United States from all obligations imposed upon them, by virtue of the second article of that treaty.

They have also ceded & relinquished a tract of land specially described in the treaty, which contains between thirteen and fourteen millions of acres, including the whole of their claim to the Sangamo country (a large portion of which they have long claimed and inhabited) and all the land lying between the eastern boundary of the cession made by the Illinois-nation, and the line that divides the States of Illinois & Indiana. And that no pretense of right except what was given them in exchange might remain to them, they have expressly relinquished their right & title to all lands on the east side of the Mississipi river. And thus is settled, some very important, and embarrassing disputes in adverse Indian titles. completing the extinguishment of all Indian claims west of the dividing line between the States of Illinois & Indiana, and south of the Kankakee and Illinois rivers, thereby placing at the disposal of our government, a vast extent of land of unrivalled fertility which seemed to be necessary for the purpose of connecting the different settlements in the State of Illinois, & particularly those now formed, with those which are commencing on the military bounty lands.

They have also relinquished their right to a perpetual annuity of one thousand dollars, & their proportion of 150 bushels of salt per annum which they were entitled to in consideration of their former cessions, and by virtue of former treaties.

And they have agreed to take in lieu of all former stipulations, and for the cessions made by the present treaty, the merchandize which we paid them, an annuity of two thousand dollars, for fifteen years; and the tract of land described in the treaty, which is greatly inferior in quality, and less in quantity than that portion of the lands which they have ceded, to which, their right was exclusive and indisputable.

It was our intentions to have transmitted to you a map of the lands ceded by the Kickapoos, taken from a map of the State of Illinois, that Mr Daniel D. Smith is now preparing to publish which will be infinitely more correct than any that has yet been given to the public, but after having made out the map for us, he became apprehensive that copies of it might be taken to his injury, and therefore he refused to let us have it, but has sent it on to Washington City as a present to the Cabinet, where you of course will have an opportunity of refering to it.

We believe we hazard nothing in saying that a more important, and advantageous Indian treaty, has never been concluded on the N. West side of the Ohio river. None could have been more ardently desired, or more highly approved by the State of Illinois, whose interest & prosperity will be greatly promoted by it, not only as it affords the means of bringing into market the most desirable portion of the State and of connecting its different settlements, but in removing from its borders and out of the reach of British influence one of the most warlike and enterprising tribes of Indians in North America; whose incursions during the late war (exceeding those of any other tribe) will be long remembered, and deeply deplored.

In fulfilling the duty assigned to us, we assure you, that we have not for one moment, lost sight of your injunction, to observe as much economy as possible, and for an object as important, and at the same time so difficult as we have found it, requiring several formal councils, at different times, We do not expect that less expense has ever been incurred under similar circumstances.

In a few days we shall transmit our account and shall draw upon you for the amount of the expenditures, dividing that amount into different bills, so as to enable us to negotiate them with the greatest facility.

A report of our proceedings would have been made at an earlier day, but for the necessary attendance of Mr Stephenson on the public sales at Edwardsville, which allowed him no time, since the conclusion of the treaty, to devote to this subject.

We flatter ourselves, that the measures we have adopted for that purpose, will prevent any further attempt on the part of the Pottawatamies of Illinois, to oppose the removal of the Kickapoos; and we have now little doubt, but that the Pottawatamies themselves could be easily prevailed upon to remove to the West side of the Mississipi river, whereby the Indian title to the whole of the lands in Illinois could be extinguished, and the Government obtain possession of a Vast extent of Mineral Country pretty accurately described by Mr Jefferson in his Notes on Virginia, and of great value.

We have the honor to be very respectfully

Sir

Your Most Obediant
& humble servts
Augte Choutbau
Ben Stephenson.

The honorable J. C. Calhoun,
Secretary of War.

("Treaty Files," 1802–1853, Indian Office Manuscript Records.)

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it contained,[a] providing for a change in Indian tenure, had been removed. Some of them did not want to leave Illinois,[b] and many who did were apprehensive of Osage aggressions.[c]

Momentarily deterred as the emigrant Indians were by fear of their own fellows, they were not suffered to falter in their original enterprise. So energetically[d] was the removal project carried for-

[a] Calhoun to Auguste Chouteau and Benjamin Stephenson, June 10, 1820, "Indian Office Letter Books," Series I, D, p. 441; same to same, October 4, 1820, ibid., E, p. 14.

[b] Calhoun to Clark, May 18, 1820, "Indian Office Letter Books," Series I, D, p. 429.

[c] Calhoun to Clark, February 10, 1820, "Indian Office Letter Books," Series I, D, p. 367.

[d] The following letter will indicate that if it had been practicable the General Government would even have removed the Chippewas from Michigan in 1819.

DETROIT, *Sept. 30, 1819.*

SIR,

Accompanying this I have the honour to transmit to you a treaty, concluded by me on the part of the United States with the Chippewa Indians, for the cession of a considerable portion of their Country within this Territory. I trust the general provisions of the treaty will meet with your approbation.

The boundaries of the tract ceded may be easily traced upon any good Map of the United States. But owing to our ignorance of the topography of the interior of this Territory, it may eventually be found, when the lines are run, that the South eastern corner of the tract ceded is in the possession of the Grand River Indians. If so there will be no difficulty, and very little expense in quieting their claims.

That portion of the Chippewa Indians, which owned this land, have not made the necessary advances in civilization to appreciate the importance of education for their youth. It was therefore hopeless to expect from them any reservations for this object, or to offer it as an inducement for a cession of their Country.

Some consideration more obvious in its effects, and more congenial to their habits was necessary to ensure a successful termination to the negociation.

In acceding to the propositions, which they made upon this subject, I endeavoured to give such form to the stipulations on the part of the United States for the payment of annuities, as would be permanently useful and at the same time satisfactory to them.

Their own wishes unquestionably were, that the whole sum stipulated to be annually paid to them, should be paid in specie. With the habitual improvidence of Savages they were anxious to receive what they could speedily dissipate in childish and useless purchases, at the expense of stipulations, which would be permanently useful to them. * * *.

Although I am firmly persuaded, that it would be better for us and for these Indians, that they should migrate to the Country west of the Mississippi, or at any rate west of Lake Michigan, yet it was impossible to give effect to that part of your instructions which relates to this subject, without hazarding the success of the negociation. An indisposition to abandon the Country so long occupied by their tribe, a hereditary enmity to many of the Western Indians, and a suspicion of our motives are the prominent causes, which for the present, defeat this plan. When they are surrounded by our settlements, and brought into contact with our people, they will be more disposed to migrate.

In the mean time we may teach them those useful arts, which are connected with agriculture, and which will prepare them by gradual progress for the reception of such institutions, as may be fitted for their character, customs & situation.

Reservations have been made for them to occupy. * * * Reservations have also been made for a few half breeds. It was absolutely necessary to our success, that these should be admitted into the treaty. Being only reservations, and the fee of the land remaining in the United States, I trust it will not be thought improper, that I admitted them. * * *. It was my object to insert in the supplementary article every provision, which was demanded by the Indians, respecting the principle of which I felt doubtful, so that the President and Senate might avoid the establishment of a precedent, the effect of which may be dangerous.

A large portion of the Country ceded is of the first character for soil and situation. It will vie with any land I have seen North of the Ohio River. The cession probably contains more than six millions of acres.

I shall be anxious to learn, that you approve the result of this negociation.

Very respectfully, Sir, I have the honour to be Yr. obt. Servt.

LEW CASS.

Hon. JOHN C. CALHOUN,
Secretary of War,
Washington City.

("Treaty Files, 1802–1853," Indian Office Manuscript Records.)

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ward both by national and local endeavor that by 1820 the three large States of the Northwest could almost foretell the time when they would be altogether cleared of the native incumbrance.[a] It is true they were not relieved so soon as might have been expected, but that was probably because during the next ten years their personal grievances against the Indians were so slight that they could not well offer them in contrast to those of Georgia. In these earlier years they had one decided advantage over the South in the greater pressure of population. Indiana professed to feel this in 1811, and in the years following she certainly spared no efforts, for one reason or another, to oust the Indians. Ohio succeeded with considerably less solicitation in reducing her incumbrance to a minimum, for the Indians, once forced to be content with tiny reservations, were on a sure road to removal. In Illinois, after the idea of exchange had been fairly introduced, the rapidity of extinguishment, owing to the extraordinary zeal of Ninian Edwards, was even more marked; but here we meet with more instances of small bands wandering westward without troubling about negotiations or going because, being homeless, they felt obliged to, stronger factions having ceded the land they claimed as their own. The influx of Indians into Missouri was very noticeable.[b] Statehood was near at hand and already there were faint glimmerings of trouble over Indian possessions.[c] In the very nature of things, it would be but a few years before the Federal Government, following a mistaken policy and neglecting to meet an important issue squarely, would have all its work to do over again.

[a] The Rev. Jedidiah Morse, speaking of Indiana and Illinois Indians, says: "Not many years since, we could point to the populous villages of these Indians, and knew where to direct our efforts for their benefit. Now we may ask the question, 'Where are they?' and there is no one among us who is able to give an answer. The most of them, however, are already gone, or are going, beyond the Mississippi, to some spot selected, or to be selected, for their future 'permanent' residence * * * ." Morse's Report, pp. 29, 30.)

[b] (1) ". * * * between the Missouri river, north, and Red river, south, and the Mississippi, east, and the Rocky Mountains, west; a number of the tribes lately residing on the east of the Mississippi, having sold all their lands to the U. States, are re-planted, or to be re-planted, on lands selected; or to be selected, and such as shall be approved by the tribes concerned. Some of these tribes are satisfactorily settled: others have had lands assigned them, with which they have been dissatisfied, and have refused to accept them; and others still linger on the lands of their fathers' sepulchres, which they have sold, and the places which are to be their future home are unknown to them. Not a few of the tribes lately rich in valuable lands, have now no spot to which they can point, and say, 'that is my land; there is my home.'" (Morse's Report, Appendix, pp. 202–203.)

(2) Menard to Calhoun, August 27, 1819, "Miscellaneous Files," Indian Office Manuscript Records.

[c] Duff Green to Calhoun, December 9, 1821, ibid.

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Chapter V.

THE NORTH AND INDIAN REMOVAL, 1820-1825.

Calvin Colton, reflecting upon the United States Indian policy at a moment when its worst effects were prominent, when the labors of ten long years were being ruthlessly undone, when the red man was being forced again into the wilderness and back to savagery, and when Georgia was protesting against the work of the missionary because it tended to make the Indian a fixture in the land, bitterly declared that the white people had habitually neglected the moral well-being of the aborigines."[a] "No *efficient State* measures," said he, "have ever yet been instituted for their preservation and improvement."[b] The careful wording of this sweeping criticism, its verbal limitations, as one might say, save it from being utterly untrue. Admittedly the State in its political capacity had never up to that time done very much for the Indian, its methods had never been efficient, its policy had been fluctuating; but religious organizations and benevolent individuals, included within that State, had done a great deal. Beginning with John Eliot and coming down to and beyond John Heckewelder and David Zeisberger, these agents of civilization had put forth many a brave effort to reclaim the red men of the forest and even, though to his shame be it said, to counteract the evil example of the frontiersman. They had gone forth to the North and to the South, not only to build churches and schools, but to toil side by side with the natives and, by daily intercourse and actual experience, to discover their needs. As a result, the instruction imparted had been both theoretical and practical, both religious and industrial. Once in a while, too, we find men in public office interesting themselves in the Indian's material and spiritual welfare. Instance the case of Governor Rabun of Georgia who, probably seeing the good effects of Baptist teaching among the Cherokees, begged the foreign board of that denomination to labor similarly with the Creeks.[c] Such solicitude was, however, very rarely exhibited in the youthful days of the Republic; for the rapid growth of a particular Territory or State upon which a public man's reputation so often depended seemed frequently to be enhanced, not so much by the elevation as by the suppression of the native inhabitants. Yea, more, it had been known actually to be injured by a too pronounced humanitarianism.

When Monroe became President and the country was full of enthusiasm concerning its future and interested in everything that offered an outlet for its energies, the Indian was not neglected. He too had his possibilities, and the missionary with recovered zeal

[a] "Tour of the Lakes," II: 217.

[b] Ibid., p. 219.

[c] Rev. Doctor Staughton to Calhoun, August 3, 1819, Morse's Report, Appendix, p. 166.

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started out once more to investigate them. Two obscure missionaries, the Reverend Messrs. Mills and Schermerhorn, had traveled [a] some years before among the tribes west of the Alleghenies and had come back with glowing reports that so fired the imagination of others in the same walk of life that they desired to go and do likewise. The Rev. Elias Cornelius, corresponding secretary of the American Board,[b] was one of these. He made his expedition in 1817, going first on a tour through New England to raise funds for the enterprise and then down through the Southwest, where he fell in with the Cherokees. From this trip came important consequences in the successful establishment of mission stations [c] that worked for so great a change in the mode of living of the southern Indians that their eventual expulsion from the scene of their birth and of their development was nothing short of a crime, and thus posterity has come to regard it.

In the following year or thereabouts, the Rev. Jedidiah Morse, another Connecticut divine, but one of an even broader mental horizon than Elias Cornelius, though influenced, perhaps, by the same reports of prospective Indian advancement, began by interviews and a wide correspondence to collect data on the present inclinations and advantages of the eastern tribes. At that time he may not have defined even for himself his own real purpose, but before a very great while he was able to outline it to the Government. The moment was auspicious; for the new interest in the Indian was more general than one would have supposed, and Congress had just passed a law creating a civilization fund in the shape of an annual appropriation of $10,000 to be distributed among organizations concerned or willing to be concerned with the object for which it was intended. On the 3d of September, 1819, Calhoun sent out a circular letter calling for infor-

[a] Mass. Hist. Soc. Colls., 2nd Series, II: 1–45.

[b] The American Board of Commissioners for Foreign Missions (Congregational in the main, but in its very early years partly Presbyterian), was organized in 1810 and incorporated two years afterwards. It numbered among its members, corporate, corresponding, or honorary, some of the best educated and most enlightened men of the country; and, after 1820, became more closely identified with Indian interests than any other single religious organization. (This is said with all due regard for the noble work of the Baptists among the Ottawas and Pottowatomies, of the Episcopalians among the Oneidas, and of the Quakers among the Senecas.) Its best work, in fact, almost its entire work, was done among the southern tribes, either in their original home or in that to which they were removed west of the Mississippi. At the latter place the first school established under its auspices was begun in the autumn of 1820, and named "Dwight" in "affectionate remembrance" of President Timothy Dwight, of Yale College.

[c] The Congregational Indian school at Brainerd, established in 1817, and named after the Rev. David Brainerd, was not a pioneer in the furtherance of Indian education. Doctor Moore's Indian school, for the erection of which England and Scotland sent donations, antedated it by more than half a century. There were less progressive, less ambitious, if you please, but yet similar institutions in the South. The Moravian Brethren had had one at Springplace, 3 miles east of the Connesaga River, since 1801, and the Presbyterians one at Marysville, Tennessee, since 1804. The school at Cornwall, Connecticut, on the east bank of the Housatonic River, which was established in the autumn of 1816, with the Rev. Doctor Daggett as its principal, was seemingly more freely patronized by prominent Indians than any other North or South. Elias Boudinot, John Ridge, John Vann, McKee, and Folsom were all educated there.

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mation as to the work already accomplished along the line of Indian philanthropy, together with suggestions as to the best method of continuing it under Government supervision.[a] Eager responses came in from all over the land, showing that theretofore poverty of funds and not poverty of zeal had put a constraint upon missionary labors.[b] The result of this official patronage was marvelous. New civilizing agencies were set in motion, and by a sort of reflex action the Indians were animated by new desires for their own improvement.[c]

Doctor Morse was an independent enthusiast on this same subject, but he was not slow to seize the opportunity offered for advancing a project of his own. This project was a peculiar and at the same time a very laudable one. It proposed to gather the Indians into a number of small communities, under the care of "Education Families,"[d] as Morse called them, and, by evolving an ideal out of a primitive communism, prepare for individualism. It was not removal[e] in the

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[a] Calhoun wrote to the Right Rev. J. H. Hobart, New York; to the Rev. John Gambold, Cherokee Country; to Thomas Eddy, New York; to John Johnston, Indian agent; to the Rev. Samuel Worcester, corresponding secretary of the American Board for Foreign Missions, Cornwall, Connecticut; to the Rev. Philip Milledoler, corresponding secretary of the United Foreign Mission Society, New York, and to the Rev. William Staughton, corresponding secretary of the American Baptist Board, Philadelphia. The circular letter is to be found in the "Indian Office Letter Books," Series I, D, p. 318.

[b] The outgoing correspondence of the War Department, to be found in "Indian Office Letter Books," Series I, D, for 1820, shows there was a lively interest all over the country in Indian civilization.

[c] "There is evidently a great and important revolution in the state of our Indian population already commenced, and now rapidly going forward, affecting immediately the tribes among us and on our borders and which will ultimately and speedily be felt by those at the remotest distance. The evidence of this revolution exists in the *peculiar* interest which is felt and manifested for the general improvement and welfare of Indians, and in the peculiar corresponding feelings and movements among the Indians themselves * * * ." (Morse's Report, p. 84.)

Isaac McCoy, laboring among the tribes in central Illinois, also remarked upon the "perceptible change" that had taken place in the Indians themselves since 1820. "Considerable and continually increasing numbers," said he to Morse, "are already inclined or becoming so, to quit their Indian habits, and to adopt those of civilized life * * * ." (Morse's Report, Appendix, p. 120.)

[d] "I give this name [Education Families] to those bodies which have been commonly denominated *Mission Families*, because it seems better to describe their character, and may less offend the opposers of Missions. By an *Education Family*, I mean, an association of individual families, formed of one or more men regularly qualified to preach the Gospel, to be at the head of such a family; of school-masters and mistresses; of farmers, blacksmiths, carpenters, cabinet-makers, mill-wrights, and other mechanics—of women capable of teaching the use of the needle, the spinning wheel, the loom, and all kinds of domestic manufactures, cookery, &c. common in civilzed families. This family to consist of men and women in a married state, with their children, all possessing talents for their respective offices, with a missonary spirit, devoted to their work; contented to labor without salary, receiving simply support * * *. These bodies are to be the great instruments in the hands of the government, for educating and civilizing the Indians." (Morse's Report, pp. 78–79.)

[e] Morse strongly discountenanced a removal that meant isolation; for he said, "On the subject of the removal of the Indians, who now dwell within our settlements, there are different opinions among wise and good men. The point on which they divide is, whether it be best to let these Indians quietly remain on their present Reservations, and to use our endeavors to civilize them where they are; or for the Government to take their Reservations, and give them an equivalent in lands to be purchased of other tribes beyond our present settlements. The Indians themselves too, are divided in opinion on this subject; a part are for removing, and a part for remaining, as in the case of the Cherokees, Delawares, Senecas, Oneidas, Shawanees, and indeed, most of the other tribes

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technical sense; for it was intended to take the place of that and to avoid its disadvantages. It planned no gigantic colony of more or less unwilling emigrants in some remote part of the country, but rather the gathering together of scattered bands in a fertile spot, or, if that were not possible, then a series of little settlements in the most favorable localities that could be found. Of course segregation of any kind was sure to necessitate removal for some of the Indians. Economy was to be a prime consideration. Consequently, to avoid unnecessary outlay and a disintegration of resources, the Indians were to be placed in as large groups as could be managed, perhaps in a single group. Some of them would therefore have to be removed from their native haunts. The scheme in broad outline was a sort of reminder of the old Spanish mission system, except that the life lived was to be too energetic to admit of ultimate reduction to helpless childishness. The Indians were to be excluded from too free an intercourse with the questionable characters that are always to be found on the outskirts of civilization, but they were not to be shielded absolutely from temptation as though their preceptors were Dominican friars. On the contrary, they were to be prepared for a nineteenth century world. Each community was to have its own equipment of teachers, its own school, its own church. After a time there was to be a great central college for all.[a] Politically, Morse thought

living among us. Difficulties in deciding this question present themselves, on which side soever it be viewed. To remove these Indians, far away from their present homes, from 'the bones of their fathers,' into a wilderness, among strangers, possibly hostile, to live as their new neighbors live, by hunting, a state to which they have not lately been accustomed, and which is incompatible with civilization, can hardly be reconciled with the professed views and objects of the Government in civilizing them. This would not be deemed by the world a wise course, nor one which would very probably lead to the desired end. Should that part of the tribes only, remove, who are willing to go, and the remainder be permitted to stay—this division of already enfeebled *remnants* of tribes, would still more weaken their strength, diminish their influence, and hasten their destruction. Nor would this partial removal satisfy those who are for removing the whole; nor those either, who are for retaining the whole. The latter wish them to remain for the benevolent purpose of educating them all where they now are, urging, that they are now among us, in view of examples of civilized life; and where necessary instruction can be conveniently, and with little expense, imparted to them. On the other hand there is much to be said in favor of the removal of the *smaller* tribes, and remnants of tribes—not, however, into the wilderness to return again to the savage life, but to some suitable, *prepared* portion of our country, where, collected in one body, they may be made comfortable, and with advantage be educated together, as has already been mentioned, in the manner in which we educate our own children. Some such course as this, I apprehend, will satisfy a great majority of the reflecting part of those who interest themselves at all in this subject, and is, in my belief, the only practicable course which can be pursued, consistently, with the professed object of the Government." (Report, pp. 82–83.)

[a] Morse suggests "the expediency of establishing, in some suitable situation, a College, for the education of such Indian youth, as shall have passed through the primary Indian schools with reputation and promise. Here, under competent instructors, let them be prepared to teach their brethren of the wilderness, all, even the higher branches of useful knowledge. Let this College be liberally endowed out of the avails of those public lands, which have been purchased of the Indians * * * . Such an Institution * * * was early established, and nobly endowed in India. * * *" The school at Cornwall, in Connecticut, could be very easily raised into such an Institution * * * ." (Report, pp. 76, 77, 78.) Again he says: "Should the expectations raised in regard to this project, be realized in any good degree, I should think this [Wisconsin] the place for the ultimate es-

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that if these various communities were not too widely scattered they might eventually develop into an Indian State. The idea was new to him, but he afterwards[a] found that it was not so new to others since it had been loosely spoken of in the treaty of Fort Pitt,[b] negotiated with the Delawares in 1778.

To collect information that would bear upon the feasibility of the plan for establishing "Education Families" Doctor Morse[c] prepared, in the summer of 1820, to make an extended tour of the Northwest. He left New Haven on the 10th of May, bearing with him a commission[d] from the Government with instructions to report upon four main topics; viz, the number of Indian tribes within reach, whether actually visited on the trip or not, their present condition in point of civilization and territorial possessions, Indian trade, and personal reflections or suggestions. On the way, while crossing Lake Erie, he fell in with Charles Stuart, of Malden, Upper Canada, and the two men discussed the practicability of a general plan upon which Great Britain and the United States could amicably unite for civilizing and for safeguarding the interests of the Indian. Other British gentlemen at Detroit and Mackinaw conversed intelligently on the same subject. Had they all forgotten the failure of the early Ghent negotiations? Probably they had or else thought that their own ideas were an improvement upon those advanced by others, less disinterested, in 1814. At all events Doctor Morse thought the scheme was worth following up and the next summer made a special trip to Canada in its interests. At York he talked with Governor Maitland, who manifested great readiness to cooperate and felt confident of the support of his colleague in the lower Province; but Governor Dalhousie was not at Quebec and, the responsibility being shifted, Morse had to return home with his efforts unrewarded.[e]

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tablishment of the Indian College, which might in time be furnished with Indian officers and instructors, as well as students, and have their own Trustees to manage its concerns. The funds belonging to Moor's Indian School, which is connected at present with Dartmouth College, deposited with the other funds, consecrated to the benefit of American Indians, in the Treasury of the Society in Scotland for propagating Christian Knowledge; together with funds in the Treasury of Harvard College, and of the Society for propagating the gospel among the Indians and others in North America, should the colonization plan succeed, might be appropriated, in whole, or in part, to this Institution. And if our brethren in Canada shall be disposed to unite with us in this great and desirable object, and make the Institution common for the benefit of Indians on both sides of the line which separates us * * * large funds * * * exist in England, designed expressly for an object of this kind * * * the annual interest of the funds granted in the reign of George II for civilizing and christianizing *the Indians in New England'* * * * ." (Report, Appendix, pp. 315–316.)

[a] "The idea of an *Indian State*, though suggested to the President in my Report, as new, [it was so at the time] had been suggested, it seems, many years ago, in a treaty with the Delaware Indians * * * ." (Report, Appendix, p. 313, note.)

[b] 7 United States Statutes at Large, p. 14.

[c] Calhoun to Dr. Jedidiah Morse, February 7, 1820, "Indian Office Letter Books," Series I, D, pp. 362–364.

[d] Report, pp. 11–13.

[e] Report, pp. 17, 19, 20.

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By that time he must surely have despaired of his whole project, for nothing had as yet resulted from the trip of the preceding year. He had reached Detroit to find Cass, the man who could and would have helped him most, absent on an expedition to the headwaters of Lake Superior.[a] Colonel Visger, a Wyandot interpreter,[b] gave him some facts that seemed encouraging; so did the Miami chief, Jean Baptiste Richardville,[c] but a prosperous old Wyandot farmer-chief from the Huron River district[d] rejected his every idea with scorn. From Detroit, Morse went around Lake Mackinaw to Little Traverse Bay and there met Col. George Boyd, who had come to L'Arbre Croche to negotiate with the Ottawas for the purchase of the St. Martins Islands.[e] Here was a good opportunity for speaking before an assemblage of Indians, and Morse took advantage of it, but only to advise their settling down and following agricultural pursuits. His whole impression of Michigan and of the country to the immediate westward was that it was just the locality for his Indian settlement.[f] But before going into the subject of his suggestions to the Government let us consider the way in which the Morse plan was likely to affect the tribes not included within the visitation of 1820.

The southern tribes may be disposed of in a few words, for they seem not to have been reported upon at all in 1820, with special reference to "Education Families;" but before Morse published his book in 1822 he had heard from Capt. John Bell, Indian agent in Florida, that the Seminoles, though "unwilling to leave their country," "make no objection to quitting their present scattered villages, and dwelling together in some suitable part of Florida." "Here, then," commented Morse, "is a station well prepared and ready for the immediate establishment of an Education Family."[g] John Ross,[h]

[a] The final destination of this expedition was left to the discretion of General Cass, who had among his companions Henry R. Schoolcraft and James D. Doty, the latter as official secretary. ("Doty's Journal," Wis. Hist. Colls. XIII: 163–220.) The objects of the expedition as they appeared on paper were not so very dissimilar from those given Morse; but Cass's personal reason for going was the investigation of mineral resources, while Morse's was the ultimate foundation of "Education Families."

[b] Morse's Report, Appendix, p. 18.

[c] Ibid., p. 96.

[d] Ibid., p. 16.

[e] Report, p. 14.

[f] "The whole of these Territories constitute one great field for moral cultivation; and when Education Families shall have been planted at the different military posts, a plan seriously contemplated, of immense importance; and which it is hoped will shortly be carried into effect, a channel, through them, will be opened to many large tribes W. of the Mississippi, to the Council Bluffs. Here again a military post is established, and a large Education Family are ready to occupy this commanding station. All the tribes within the United States, N. of the Missouri, as far W. as the Council Bluffs, and beyond them, placed between these posts and these families, may be made to feel, in a greater or less degree, their combined, controlling, civilizing, and reforming influence * * * ." (Morse's Report, p. 29.)

[g] Report, Appendix, p. 310.

[h] John Ross to David Brown, July 13, 1822, Morse's Report, Appendix, pp. 399–400.

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writing of his own people, the Cherokees, about the same time drew happy conclusions from the unprecedented interest shown on all sides in Indian civilization; but, while deploring the disastrous results of removal to Arkansas, never even hinted at concentration after the Morse pattern. In Connecticut there were only a very few Mohicans and Pequods, degenerate and decreasing, left in 1820, too few, thought Morse, to deserve notice.[a] In Rhode Island there were scarcely more than four hundred and twenty-five natives, and they were nearly all of mixed blood. They were not badly off, though, for they owned jointly about 3,000 acres of land. They expressed themselves negatively on removal as follows: "We wish not to be removed into a wild country. We have here farms and homes of our own. Those who will work, may here get a comfortable living; and those who will not work here, would not probably in a wilderness. We have land enough, and wood enough, and living on the salt water, and having boats of our own, have plenty of fish."[b] Of the Maine Indians the Rev. E. Kellogg wrote: "None of these tribes have made other than incipient improvements in anything which pertains to civilized life. It is not probable, such is the religious influence under which they act, combined with their natural attachment to their native places, and to the sepulchres of their fathers, that a proposal to remove, and join a larger community of Indians, should it be made to them, would be accepted."[c] The report on the Massachusetts Indians was even more decisive adversely. "As to the plan of removing them, *were they in favor of the measure*, it would scarcely be an object. They are of public utility *here*, as expert whalemen and manufacturers of various light articles; have lost their sympathy with their brethren of the forest; are in possession of many privileges, peculiar to a coast indented by the sea; their local attachments are strong; they are tenacious of their lands; of course, the idea of alienating them and removing to a distance, would be very unpopular."[d] This was all very true, and Doctor Morse was satisfied that the New England Indians were not fit subjects for colonization. They "are all provided for," said he, "both as to instruction and comfort, by the governments and religious associations, of the several states in which they reside * * *. Should the Government of the United States provide an Asylum for the remnants of these depressed and wretched people * * * a portion of them might be persuaded to take shelter * * *. The body of them, however, would doubtless prefer to remain where they are, for this prominent reason, among others, that very few of them are of unmixed blood. The others, having intermarried with the lowest classes of white people and negroes, and feeling no sympathy with Indians

[a] Report, Appendix, pp. 74, 75.
[b] Ibid., p. 74.
[c] Ibid., p. 66.
[d] Ibid., p. 70.

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of pure blood, would not be comfortable, or happy, or of wholesome influence, if removed and planted among them * * *."[a]

The suggestions that Doctor Morse had to offer to the Government were born, in part, of his observations during the trip and, in part, of his reflections upon events occurring within a few months after his return home. In the first place, he recommended the formation of a society "for promoting the general welfare of the Indian tribes in the United States"[b] and such an one seems to have been soon afterwards organized or projected with John Jay, C. C. Pinckney, Thomas Pinckney, Andrew Jackson, Henry Clay, James Hillhouse, Jedidiah Morse, and others, less well known, as honorary members. William Wirt and Col. Thomas L. McKenney were to serve on a committee of ways and means.[c] In the second place, Morse submitted, as though himself indorsing, the plans of other men. The following may be cited in illustration: George Sibley, factor at Fort Osage, reporting for the Osages, Kanzas, and Ioway Indians, October 1, 1820, advised that the government should distinctly survey and mark the Indian country and "whenever an Indian evinced a serious disposition to settle himself permanently, and to pursue civilized habits, a portion of this land, from 160 to 640 acres, as might be proper, should be allotted to him, patented to him by the Government, and secured to him and (to his) family forever * * *."[d]

In the third place, Doctor Morse considered the suitability of various tracts of land for the establishment of "Education Families." Generally speaking, since he was not bent upon forcing emigration, he was inclined to provide for a corps of teachers wherever there was a sufficiently large concourse of Indians to justify it. For instance, he thought one could settle on L'Arbre Croche territory "which is abundantly large enough for the accommodation of several thousands" "and scattered villages of this [Ottawa] nation, and of the Chippawas, who intermarry with the Ottawas, and in various ways are connected with them, might probably be induced to remove" thither;[e] another on the eastern shore of the lower Michigan peninsula, say on Flint River near Saginaw, where Jacob Smith, a man appointed by the Government in 1819 to be a sort of guardian for the Chippewas and who had lived among them several years and knew them well, thought that the United States could very easily gather together the numerous bands then dwelling upon detached reservations and so make an exchange that "would be reciprocally advantageous" to the red and white people. It might even be possible to accommodate not only all the Indians from that part of Michigan Territory, but also all the remnants of tribes in Ohio, New York and

[a] Report, pp. 23–24.
[b] Report, pp. 75–76.
[c] Report, Appendix, p. 284–290.
[d] Ibid., p. 208.
[e] Ibid., p. 26.

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New England "who might be inclined to remove; a body of from twenty-five to thirty thousand."[a]

These suggestions were all very good, but they were none the less all secondary to the grand scheme of making one vast Indian Territory out of the present State of Wisconsin and of the upper Michigan peninsula. We shall have more to say of the origin of this idea later in connection with the removal of the New York Indians. At present let us consider Morse's advocacy. "In the treaty with the Choctaws of October, 1820, it is stipulated," wrote he, "that 'the boundaries' of the territory of this nation shall 'remain without alteration, until the period at which said nation shall become so civilized and enlightened, as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family, or individual in the nation.' Let similiar regulations be made relative to the proposed colony, [in the North] with such variations and additions as shall suit their peculiar circumstances; one particularly, which shall prohibit the introduction of white settlers within the limits of the territory assigned for the proposed colony; i. e. within the limits bounded south by Illinois, east by lake Michigan, north by lake Superior, and west by the Mississippi: Let this territory be reserved, exclusively for Indians, in which to make the proposed experiment of gathering into one body, as many of the scattered and other Indians, as choose to settle here, to be educated, become citizens, and, in due time, to be admitted to all the privileges common to other territories and States, in the Union. Such a course would probably save the Indians * * * . Within its limits, are more than twenty thousand souls, exclusive of the new colony [New York Indian] to be planted on the late purchase [from the Menominees and Winnebagoes]. Half of these are Menominees and Winnebagoes; the rest, Chippawas, Sioux, Sauks and Foxes. If the whole of these tribes last mentioned be reckoned, as belonging to the Territory, (though a great part of them are now west of the Mississippi,) the whole number would exceed sixty thousand; enough, when educated, to form a separate Territory, and to have a representative in Congress * * * ."[b]

Doctor Morse's reference to the New York Indian purchase from the Menominees and Winnebagoes of Green Bay calls vividly to mind the unique position of the Iroquois bands. Under colonial grant, as extending from sea to sea, Massachusetts claimed a large share of the Empire State.[c] To settle the pretension, commissioners on her part and commissioners in behalf of New York met at Hartford toward the close of 1786 and agreed, with the sanction of the Con-

[a] Report, Appendix, p. 20.
[b] Ibid., pp. 313–315.
[c] Report of New York Assembly, 1889, p. 16.

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federate Congress,[a] that, while New York should continue to exercise governmental jurisdiction over the whole of the land within her prescribed limits, Massachusetts should hold the preemptive right to the western part (except a strip 1 mile wide along the Niagara River), lying beyond a meridian line drawn southward from Lake Ontario through Seneca Lake to the Pennsylvania boundary, and also to a tract, equal to ten townships, between the Oswego and Chenango rivers. The preemptive right constituted the privilege of buying the land, as a private person or corporation, from the Indian occupants whenever they might choose to sell. Within a comparatively short time, the Bay State sold this privilege, as applicable to the smaller tract, to Samuel Brown and fifty-nine associates; and, as applicable to the larger, to Oliver Phelps, of Connecticut, and Nathaniel Gorham, of Boston;[b] but she retained the authority of superintending all subsequent negotiations with the Indian owners. Before long, Phelps and Gorham, owing to financial embarrassments, were obliged to reconvey to Massachusetts the preemptive right to most of the land; and, in 1791, a new contract was formed, whereby Robert Morris became the beneficiary. He, in turn, sold out to William Willink and eleven associates in Holland. From them it passed to David A. Ogden[c] who, in 1821, transferred his rights to a trust composed of his brother, Thomas L. Ogden, Robert Troup, and Benjamin W. Rogers—the germ of the notorious Ogden Land Company. Between any two of these successive changes in ownership, the preemptive privilege had been variously exercised and the lands covered by it had steadily contracted.

Upon the authority of Wilson Lumpkin,[d] it is sometimes asserted that, in 1810, the New York Indians held a council and resolved to ask permission of the Federal Government for them to emigrate westward. It is doubtful whether we can fix the date quite so early; but, in June of 1815, Governor Tompkins wrote to Washington advocating removal and received from the Acting Secretary of War a summary of the difficulties that would confront the project.[e] A little later the

[a] "Journals of Congress," IV: 788.

[b] W. H. Sampson in his consideration of the "Claim of the Ogden Land Co." says, "Massachusetts sold this (preemptive) right to Phelps and Gorham; they bought some of the land; then failed, and their right to buy the remainder reverted to Mass., which sold the right to Robt. Morris * * * ."

[c] The Ogden brothers were at one time law partners of Alexander Hamilton, Report of New York Assembly, 1889, p. 22.

[d] "Congressional Globe," Twenty-sixth Congress, 1st sess., Appendix, p. 286.

[e] "Sir, I have submitted your letter of the 28th of June last to the consideration of the President of the United States; and I am instructed to inform you, that there is a great desire, on his part, to accomodate your wishes, and the interest of the state of New York, in relation to the proposed removal of the Senecas from the territory which they at present inhabit, to lands on the Western frontier of the United States. There are, however, national views of the subject, which must be combined with such a movement, on motives of state policy. All transactions with the Indians relative to their lands, are more, or less, delicate; and a removal of them from one region of country to another, is critically so, as relates to the effect on the Indians themselves, and on the white neighbors to their new abode. You do not designate any particular part of the Western country, to which it is intended by you, or desired by the Indians, that they

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sachems of the Six Nations memorialized Madison to the effect that it was their desire to sell out and join their friends in or west of the State of Ohio. They were told that they might leave New York if they wished to, but might not locate in Ohio or in its immediate neighborhood for the reason,[a] already stated to Governor Tompkins,[b] that

should be transferred; nor can it be ascertained from the general expression of a transfer to lands within the territories of the United States, on the Western frontier, you mean lands where the Indian titles have been extinguished, as well as lands, which are still in Indian occupancy. If the latter only be meant, the arrangement will essentially be between the Senecas and the state of New York on the one part, and the Indian occupants, on the other; but if it be contemplated to transfer the Senecas to lands, which have been purchased from other Indians, the government seems bound to take into view, the effect of such an arrangement, 1st in shutting the lands against the sales and settlements contemplated by the purchase, or involving the expense of a repurchase from the Senecas. 2d In giving Indian neighbours to white settlements which might be averse to such an arrangement. When it was proposed to transfer the Indians on the North frontier of Ohio, to a new abode on the Illinois &c, the neighbouring territories of Illinois and Missouri protested against the measure.

"Having briefly suggested these difficulties, I am instructed to request those explanations which will enable the President to decide upon the subject of your letter, with the requisite attention to the national interests under his charge. If, however, a removal of the Indians should take place, I am authorized to add, that it will not affect the annuities, which have been granted to them, provided they conform, in other respects, to the terms of the grant.

"I am very respectfully &c."

(Letter from Alexander J. Dallas, Acting Secretary of War, to Daniel D. Tompkins, governor of New York, August 5, 1815, "Indian Office Letter Books," Series I, C, pp. 271–272.)

[a] W. H. Crawford to the Six Nations of New York Indians, February 12, 1816, "Indian Office Letter Books," Series I, C, pp. 299–301.

[b] "Sir, Your letter and the memorial of the Sachems of the six nations of Indians, communicating the desire of the latter to sell the reservations of lands upon which they at present reside, in the state of New York, and to remove and settle upon lands in or West of the state of Ohio, have been regularly received, and submitted to the consideration of the President.

"The greatest difficulty in deciding the case, is the uncertainty of the spot, which will be selected for the future residence of these Indians, after they shall have disposed of their present possessions. It is an object of the first importance to the nation, with a view to any future war which may occur with the British Empire, that the settlements of the state of Ohio should be connected with those of the Michigan Territory, with the least possible delay. It is also important that our settlements should be extended to Southern margin of lake Michigan. This may be done, either by extending the settlements from Ohio Westwardly, or by obtaining a cession of the lands lying between the Illinois purchase, and the South Western margin of the Lake. The settlement of the six nations, in the districts which must be ceded in order to accomplish these desirable objects, cannot fail to protract the time of obtaining those cessions. The extent of the country also, which may be set apart for their use, is of some importance in the consideration of this subject. Having approximated more to the habits of civilized man than their Western brethren, and accustomed to attach a higher value to land, cessions will be obtained from them with more difficulty and at a greater expense. At the same time it is believed that the settlement of a friendly tribe of Indians in that part of the country, bound by the ties of interest and friendship to the United States, will have a beneficial influence upon the conduct of their savage friends in the event of another war with England.

"The interest which the state of New York takes in this transaction, and the influence which the cession may have upon its happiness and prosperity, have induced the President to determine that a treaty shall be held, with a view to accomplish the wishes of your excellency, and to gratify the desires of the Indian tribes in question. If your excellency is informed of the particular district in which the settlement is contemplated, and the extent of the grant which is intended to be made, a prompt communication of it may facilitate the conclusion of the business.

"I have the honor to be &c.

"WM. H. CRAWFORD."

(Letter from W. H. Crawford to Daniel D. Tompkins, governor of New York, January 22, 1816, "Indian Office Letter Books," Series I, C, pp. 294–295.)

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the Government was even then contemplating a consolidation of settlements this side of Michigan as a safeguard should another war break out with Great Britain. Barred from Ohio, the Indians lost all desire to emigrate; but land speculators, especially the proprietor of the Massachusetts preemptive right, began, or dare we say continued, to harass them with that object in view.

A little before this time there arrived among the New York Indians an Episcopal missionary in the person of Eleazer Williams—Bishop Hobart, of the New York diocese, having licensed him as a catechist and lay reader[a] "at the earnest request of the Oneida chiefs."[b] This man, the same who figured later on in fact and fiction as a pretender to the French throne, was himself of Indian extraction, also a lineal descendant of the survivor of the Deerfield massacre. In character he was wild and visionary, full of vagaries that would account in part for his easy seduction by the New York speculators. In 1817 he seems to have been opposed to removal and to have resisted the blandishments of De Witt Clinton, who wanted him to advocate that measure before a general council of the tribes. By the next year his opinions had undergone a radical change,[c] but in the interval he had been entertained by and had, perhaps, succumbed to the influence of David A. Ogden.[d] New pressure was then being brought to bear upon the Government to have the Iroquois sent westward, but without, as yet, much success. The profits of title extinguishment in that particular part of the East occupied by the Six Nations would accrue, not to the Government, but to the proprietor of the preemptive right; consequently there was no motive for pushing matters, although conversely there were valuable interests at stake for the rich capitalist since the market value of land in western New York depended, as Calvin Colton remarked years afterwards, "entirely upon the nearer or more remote prospects of the removal of the Indians—in other words, of their ejectment."[e]

The official correspondence of 1818 is very interesting as bearing upon New York Indian emigration; for it shows clearly how Calhoun came to be concerned in the scheme for erecting a part of the Northwest into an Indian Territory, and also to what lengths politicians and speculators were willing to go in order to accomplish their purposes. An effort was made to deceive the Indians into thinking that if they obtained any land in the West it would be in exchange for an equal amount in New York. Calhoun was inclined to be angry at this.[f] Furthermore, he was annoyed that people persisted in holding

[a] "Wis. Hist. Colls.," II: 419.
[b] Schroeder's "Memoirs of Bishop Hobart."
[c] "Wis. Hist. Colls., II: 421.
[d] Hanson, "The Lost Prince," p. 282.
[e] "Tour of the Lakes," I: 99.
[f] Calhoun to Jasper Parish, sub-agent to the Six Nations, May 14, 1818, "Indian Office Letter Books," Series I, D, pp. 165–166.

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out to the Indians the hope of going west of Ohio and in prejudicing them against Arkansas,[a] whither the Government would have wished to have them go,[b] the Arkansas Cherokees being very ready to receive them.[c] Calhoun knew that the people of Indiana and Illinois would never permit an immigration of Indians into their territory. Meanwhile Cass was becoming interested in the Ogden plans.[d] Indeed, he

[a] "SIR.

It is certainly much to be regretted, that the Six Nations should, by the arts of officious and designing men, be induced to hesitate in changing their present residence, for one more congenial to their habits, and better calculated, by its remoteness from the settlements of the Whites, permanently to secure their interest and happiness. The country on the Arkansaw was designated, as combining every advantage most likely to render the change agreeable to them and to produce these results; while it would, at the same time, promote the views of the government, with which it is a desirable object to induce, as many of the tribes of Indians as may be disposed to change their residence, to emigrate to the West of the Mississippi. The objection to the Arkansaw on account of its unhealthiness is an erroneous one. It is believed that no section of the country is more healthy. However, should they adhere to the determination not to remove to that country, Gov^r Cass will be requested to consult with the Indians on Fox river and its vicinity, or with the tribes inhabiting the country lying North of the state of Indiana and the Illinois territory, and ascertain whether they are willing to make a cession of land to the six nations and receive them among them; and, in the event of any of them assenting to the proposition, he will be instructed to make the arrangements necessary for their reception and to facilitate their removal: provided the portion of country so selected for their new residence, receives their approbation * * *." (Extract of letter from J. C. Calhoun to David A. Ogden, August 19, 1818, "Indian Office Letter Books," Series I, D, pp. 204–205.)

[b] "SIR. M^r. Graham transmitted your letter to him of the 8^th. inst. yesterday. The subject to which it refers had previously attracted my attention. Governor Cass in his letter to you states, that it will be necessary as a preliminary step, that this department should designate the place to be assigned to the six nations. I think there are almost insuperable difficulties in assigning a place between the Lakes, Ohio, and Mississippi. It is certain that, should it be selected in Ohio, Indiana, or Illinois, great discontent and complaints would be justly excited; and beyond the limits of those states, no position presents itself to me to which the Indians in New York could be tempted to emigrate. I am, of opinion, that the Arkansaw, in every point of view, presents much the most advantageous site for their new residence. I have already presented my views to you on this subject in conversation and will not now repeat them. Should the Six nations be induced to emigrate thither, every facility will be presented by this department. I will direct M^r. Lewis, the agent at the Arkansaw, to bring the subject before the Chiefs of the Cherokees, who live West of the Mississippi, and tho' I do not think it proper to make a formal address, in reply to the letter written by the Missionary Schoolmaster, yet M^r. Parish, the sub-agent, will be made acquainted with the views of this Department, on the points referred to in your letter." (Calhoun to Hon. David A. Ogden, Madrid, N. Y., May 14, 1818, "Indian Office Letter Books," Series I, D, pp. 164–165.)

[c] Calhoun to Reuben Lewis, agent to the Cherokees on the Arkansaw, May 16, 1818, "Indian Office Letter Books," Series I, D, p. 168.

[d] The best documentary evidence forthcoming in proof of the willingness of Cass to have the New York Indians settle in the West is the following letter:

WASHINGTON, *October 22d, 1821.*

SIR.

I have the honour to submit to you a copy of the treaty, executed at Green Bay between the Winnebagos and Menominies forming one party, and the delegation of the Six Nations of the Munsees, of the Stockbridge, and of the St. Regis Indians forming the other party. I intended to transmit the original instrument, but some accident has prevented it. I shall do it however immediately on my return.

I submit also a copy of the report of the person, authorized by me, at the expense of the persons holding the reversion of the lands owned by these Indians in New York, to visit Green Bay in company with the delegation and to conduct the negotiation. It is due to him to say, that this duty was zealously and ably performed.

A copy of my instructions to him should have accompanied this report, but I find on examination, that I have it not with me. It shall be transmitted, as speedily as possibly.

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seems already to have been in correspondence for some months on the subject, first with Granger, the Indian agent at Buffalo, and later with the proprietor himself. When it became evident that the Indians disliked the thought of Arkansas as a home, Calhoun agreed to let them go to the vicinity of Fox River, or, if that region were not suitable, then to the lower peninsula of Michigan. At the time he had an impression that the Fox River intended flowed entirely outside of Illinois.[a] Finding that it did not and probably not knowing of the Fox River in Wisconsin he countermanded the first part of his permission; for "I wish it understood," said he, "that the Indians are not to receive lands in exchange for those they have in New York, within the State of Indiana or Illinois."[b]

It was not likely that the Federal Government would cumber one State with Indians in order to please a private individual even though that individual were supported, as it was well known Ogden was, by the strongest of local politics, and it was particularly unlikely that it would cumber Indiana at this time; for it was about to relieve her of the Delawares. Nevertheless, as events turned out, it was an incident occasioned by this very Delaware removal that finally helped to commit the Government to the scheme for placing the New York Indians in Wisconsin.

Among the remnants of the Iroquois was a small group of Stockbridges, exiles from Massachusetts, who, in one way or another, but in a way that President Jefferson approved, had become possessed, by deed of gift from the Delawares, of a joint claim to the land on White River;[c] yet it was not until 1817 that any of their families had an inclination to respond to the request of the resident Miamis and Delawares that they should remove thither, although their obstinacy was much deplored by Solomon Hendricks, one of their number and "a strong advocate of the policy of emigration."[d] In that year, 1817, two families went West and more prepared to follow, but

My apology for the omission will be found in the little time afforded me for the arrangement of my papers, after the conclusion of the treaty of Chicago.

The result of this negotiation I consider important to the parties and to the United States. If no improper influence be excited, these Indians will gradually withdraw from New York, and establish themselves upon the land thus ceded. They will there form a barrier, which may be highly useful in the event of any difficulties in that remote quarter.

Very Respectfully Sir
I have the honour to be
yr obt. servt

LEW CASS.

Hon. J. C. CALHOUN,
Secretary of War.

("Treaty Files," 1802–1853, Indian Office Manuscript Records.)

[a] Calhoun to David A. Ogden, August 28, 1818, "Indian Office Letter Books," Series I, D, p. 208.

[b] Calhoun to Cass, September 2, 1818, "Indian Office Letter Books," Series I, D, p. 208.

[c] Marsh's Scottish Report for 1833, "Wis. Hist. Colls.," XV: 86.

[d] Davidson, "The Coming of the New York Indians," "Wis. Hist. Soc. Proc.," 1899, p. 160.

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were deterred by a report in a Boston newspaper that the Delawares had sold out to the United States Government. The Stockbridges at once wrote to the Delawares to have the report either confirmed or denied, and were assured by the Indians that it was utterly false, and by the agent that "there would be no attempt at present, to buy out and remove the said Indians."[a] Taking courage, therefore, the Stockbridges prepared a second party, which left New York under the leadership of John Metoxen. "They did not get away so soon by a month, as they had intended;" wrote Sergeant to Morse, "and on that account they did not arrive at their place of destination *before the country was all sold:*"[b] During the winter following, they stayed with the Shawnees in Ohio and applied, though unsuccessfully, to Congress for a redress of their grievance. Morse championed their cause, as they had requested him, for he was their friend, and their disappointment was his also; inasmuch as, trusting to the prophecies of Hendrick and Sergeant, he had hoped to establish an "Education Family" with them as a center on White River.[c] Indiana being now out of the question, he made a personal appeal to President Monroe.[d]

[a] Hendrick to Sergeant, March 30, 1818, Morse's Report, Appendix, p. 112.

[b] Sergeant to Morse, December 15, 1818, Morse's Report, Appendix, p. 116.

[c] (1) "If nothing takes place unfavourable, I judge the Stockbridge Indians will *all* remove into that country [on White River] in the course of eight or ten years. They say they must send a few families there this summer, to take possession of the country, and satisfy the Delawares. As soon as this takes place, there will be an agreeable home at once, for a missionary, and a most excellent stand for the establishment you propose. It is altogether probable, that in the course of a few years, the Delawares from Upper Canada, and the Munsees from various parts, will remove to White river, probably making upwards of two thousand souls. The Brotherton Indians, so-called, are about to remove to this place * * *."

(Hendrick to Sergeant, March, 1818, Morse's Report, Appendix, pp. 112–114.)

(2) "It is *reported* that the Indiana Government, this season, intend to purchase the lands on the White river. It is my opinion, that they will not be able to do it, by fair means. If they should be able to do it by a stretch of unlawful power, the proposed plan will be at an end [i. e. of a mission establishment.] Partly on this account, I would recommend that your Society employ some missionary, visiting the Ohio, or Indiana Territory, or some minister in the vicinity, to spend a few weeks among my people, and from the Chief, who is going, the Missionary will be able to report to your Society all necessary information respecting your missionary establishment * * *. I am well informed that the Tuscaroras, living near Buffalo, are about to remove to White river; and by a late letter from Buffalo, I understand a number of Munsees will go on with my people. All these will be friendly to a religious establishment * * *."

(John Sergeant to Morse, June 29, 1818, Morse's Report, Appendix, p. 115.)

(3) To this letter of Sergeant's Morse added the following editorial comment: "If these Indians were disposed to settle together in this place, why not, I ask, in some other eligible spot?" (Report, Appendix, p. 116.)

[d] "I take the liberty here respectfully to suggest to the President, whether it would not be expedient, and have a conciliatory and good effect on the Stockbridge Indians, and on others also, white people as well as Indians, to consider the *hard case* of these Indians, and to grant them a portion of the lands which they claim on White river, with an understanding, that they shall exchange them for a tract somewhere in the N. W. Territory, which shall be agreeable to them, and which the Government might purchase of the present owners for this specific purpose? Or make them a grant in the first instance, in some part of the N. W. Territory?

"I have conversed with Mr. Sergeant on this subject, and he has suggested to me, that some course like this would satisfy the Stockbridge Indians. This, I think, might lead ultimately to the gathering together of many of the scattered remnants of tribes, in this Territory, so peculiarly adapted to this purpose." (Morse's Report, Appendix, p. 117.)

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urging that a tract in the Northwest Territory be given to the Stockbridges in compensation for the one they had lost; and, as we shall see, in following his advice, the Government was ready to accede to the wishes of David A. Ogden.

During the summer of 1819 the proprietor of the Massachusetts preemptive right made a most desperate effort to induce the Senecas to emigrate westward; but, led by Red Jacket, they stood out like adamant against all proposition having removal as their burden.[a] The Oneidas were more pliable, owing to a division in their ranks on the score of religion. Dating from a period soon after the coming of Missionary Williams into their midst (for their tribe was his special field), they had been divided into two parties, the Pagan and the Christian. The latter, made up of Williams's supposed proselytes, was inclined to place implicit confidence in his advice on matters material as well as spiritual. This was but natural. More impressionable than their fellows of the Pagan party, as evidenced by the effect that the beautiful Anglican Church ritual had had upon them, they were allured by a most Utopian dream of an Indian Empire. Just when Williams began to argue this before them or just when he first indulged in it himself is matter for conjecture. He always claimed it as an original idea, but it looks very much like an exaggeration of Morse's Indian State, which Morse may have projected as he had projected the "Education Families" even before his trip to the Northwest.

Be that as it may, we know for certain that in the winter of 1819 and 1820 Eleazer Williams went to Washington and represented to the Government that the Oneidas and other New York Indians were anxious to move West. The War Department was just beginning to take efficient measures toward a compromise with the Stockbridges[b] and, perhaps, with that partly in view was commissioning their advocate, Doctor Morse, to investigate northern Indian conditions; so Calhoun agreed to help bear the expenses of a delegation of ten Iroquois, desirous of exploring "certain parts of the northwestern territory and" of making "arrangements with the Indians residing there, for a portion of their country to be" thereafter "inhabited by such of the Six Nations as" might "choose to emigrate."[c]

The expedition set out under favorable auspices. Calhoun was

[a] "At the meeting [of the Council "at Pollard's Village, about five miles from Buffalo"] on the 9th the Chief Red Jacket, on behalf of the Senecas, rejected the proposition to remove or to contract their limits, or dispose of any part of their lands; the rejection was so unqualified and so peremptory, as to forbid all reasonable expectation, that any good purpose could be effected by adjourning the Council: it was therefore finally closed * * *" (Extract from Report of Morris S. Miller to Calhoun, July 25, 1819, "Miscellaneous Files," Indian Office Manuscript Records.)

[b] Report of the Commission of 1830.

[c] Calhoun to Eleazer Williams, February 9, 1820, "Indian Office Letter Books," Series I, D, p. 364. Calhoun to Cass and to Gen. Alex. Macomb, February 9, 1820, "Indian Office Letter Books," Series I, D, p. 366.

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compliant, Bishop Hobart[a] benignly encouraging, to say nothing of De Witt Clinton and David A. Ogden. Both were active, the latter securing from Schoolcraft a ready promise to render all the assistance that lay in his power.[b] But there were breakers ahead. When the delegates reached Detroit they heard news that caused them to turn back disappointed.[c] The land they thought they wanted was reported gone. In the absence of Governor Cass and, as it afterwards proved, with his strong disapprobation,[d] Colonel Bowyer, the Indian agent at

[a] The Rev. Joseph Hooper, of Durham, Connecticut, who helped to make a most minute examination of the Hobart Papers for Doctor Dix's "History of Trinity Church," reports: "From any documents that I have seen it does not appear that Bishop Hobart had any especial influence over the Indians concerning their removal * * *." Hanson, however, furnishes extracts from a letter purporting to have been written by Bishop Hobart at this time to the Oneidas, which indicates a certain measure of sympathy with Williams's undertaking: "My Children—It is expedient that he [Williams] should go on a journey to the west, to see if he can find some territory, where the Stockbridge Indians and others, who are disposed to go, may reside; and particularly to ascertain whether your western brethren are inclined to embrace the Gospel of our Lord and Saviour, Jesus Christ * * *." ("The Lost Prince," p. 290.)

[b] "I shall pass through that country [Green Bay] some time in August. If Mr. Williams, with the delegation from the six nations could be there at that time, I might be able, more effectually than in any other way, to aid him in the accomplishment of his object * * *.

"The plan of locating these Indians in the country, to which you refer, is the most practicable, which has yet been proposed. There are none of our citizens interest in that country to oppose the measure. There will be no political prejudices to encounter, and no misrepresentations to correct. I believe the soil, climate, and other advantages of the country will be found to equal any expectations which these Indians may have indulged respecting them * * *." (Henry R. Schoolcraft to Hon. David A. Ogden, May 5, 1820, "Schoolcraft Unbound Correspondence," Smithsonian Institution.)

[c] "Rev. E. Williams who has for several years past been officiating as a preacher for the Oneida Indians, in the State of New York, arrived here in the steamboat Walk-in-the-water last Saturday. He is accompanied by some of the men of the tribe, who constitute a delegation to visit the Indians in this Territory, for the purpose of ascertaining the prospect of success in the endeavor to christianize them. We learn that it is a further object with the delegation to find a suitable tract of country within the Territory, to which the Oneida Indians, or a part of them, will remove—for this purpose the country in the vicinity of Green Bay will be visited. No doubt can be entertained of the importance of this project. The influence which the example of Indians who are in a great measure civilized, will have over the habits of their more unfortunate brethren, will, perhaps, have much more effect in weaning them from their savage modes of living than all the theoretical lessons which can be given them by white men." ("Detroit Gazette," Friday, July 28, 1820.)

[d] DETROIT, *November 11, 1820.*

SIR,

While I was at Green Bay I understood from Col. Bowyer that he had obtained a cession from the Indians of the country extending forty miles up the Fox River and twenty-five or thirty miles on each side of that River. I presume he transmitted to you the instrument of cession, which he obtained.

I do not know the instructions which he received nor what were the views of the Government upon the subject. But I take the liberty of expressing to you my doubt respecting the policy of the measure. A purchase of the land in the immediate vicinity of Green Bay, and including all the settlements upon the Fox River is certainly proper. It is proper with a view to the undisputed operation of the laws, and to relieve the Inhabitants from the disagreeable & anomalous situation, in which they are placed. But more than this is not now required, and I presume an immediate increase of the population in that Country by emigration is not anticipated———

The effect therefore of extinguishing the Indian title to this large tract of land, independent of the pecuniary stipulations, which may be made, is, that it is thrown open to every adventurer, who may choose to enter it.

The laws of the United States respecting the intercourse of our Citizens with the Indians will cease to operate, and no restraints however wholesome can be imposed.

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Green Bay, surmising that Indian immigration into Wisconsin upon such an extensive scale as was rumored to take place would embarrass if it did not utterly preclude white settlement, negotiated upon his own responsibility[a] a treaty of cession with the Menominees for land on Fox River. Morse, who came to Detroit at the same or about the same time as Williams,[b] heard of the transaction and subsequently interviewed the Menominees concerning it. He found them feeling sad, for only a part had sanctioned the relinquishment.[c] He then talked with them of his own plans and of the prospective coming of the Iroquois, but they were not elated. Their dissatisfaction with the Bowyer treaty, however, enabled Morse and Williams to present a strong case against its ratification. Governor Cass's objections were an added weight with the War Department; so Monroe decided not even to submit it to the Senate.[d]

The news of the rejection of the Bowyer treaty emboldened Williams to make a second trip to the Northwest, for which he had of late been gathering pecuniary reenforcements.[e] By this time Thomas

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A large portion of this land must be inhabited by the Indians for many years, and any measure, should be deprecated, which would prevent the laws of the United States and the regulations of the Government from extending to them.

But there is another consideration of much weight upon this subject. I have reason to believe that the Six Nations from New York would select a part of this Country for their residence, and the policy of permitting them to do it, cannot be doubted. They reached this place last summer on their way to Green Bay, but having heard that a purchase had been made of the land to which their attention had been directed they returned without accomplishing the object of their mission & without my having seen them. It is very desirable to place them in that Country. Their habits & the strong pecuniary ties which bind them to the United States would ensure their fidelity, and they would act as a check upon the Winnebagoes, the worst affected of any Indians upon our borders.

Under these circumstances I would respectfully suggest whether it would not be expedient to delay acting upon the purchase made by Col. Bowyer and to direct his successor to procure a cession better suited to the objects, which the Government have in view.

Respectfully Sir, I have the honour to be, Yr obt Servt

LEWIS CASS.

Hon. JOHN C. CALHOUN, *Secy. of War.*

("Miscellaneous Files," Indian Office Manuscript Records.)

[a] Calhoun to Cornelius Bard, Jno. Anth° Brandt, and Dan'l Tegawerateron of the Oneida Nation of Indians, April 14, 1821, "Indian Office Letter Books," Series I, E, p. 91.

[b] Davidson in "Wis. Hist. Soc. Proc.," 1899, p. 171, Morse's Report, Appendix, pp. 54–55.

[c] Morse's Report, Appendix, p. 53, note.

[d] Calhoun to Cass, April 4, 1821, "Indian Office Letter Books," Series I, E, p. 81.

[e] General Ellis writes: "In the spring of 1821, I accompanied Williams on a visit to New York and Philadelphia. At New York he was in long consultation with Thos. L. Ogden, Esq., chief man of a New York Land Company, * * * Mr. Ogden conceived that Williams would be a powerful agent in effecting the removal of the Senecas, and from him Mr. Williams received a good sum, several hundred dollars, in money. These largesses were repeated by Mr. Ogden many times after. At Philadelphia the conferences were with the executive committee of the Domestic and Foreign Missionary Society of the Protestant Episcopal church, and from whom Williams solicited aid for the establishment of a mission of that church among the Indians at Green Bay. Those gentlemen, Rev. Mr. Boyd, Rev. J. Kemper, and Dr. Milnor treated us courteously, but with evident caution. No money was obtained at this visit, though small sums were supplied Mr. Williams from that source for two or three years after." ("Recollections of Rev. E. Williams," Wis. Hist. Colls., VIII: 333.)

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L. Ogden had become the chief proprietor of the Massachusetts preemptive right and was trying to oust the Indians by surveying their lands prior to a sale.[a] This he did[b] in spite of an adverse opinion as to its legality from Attorney-General Wirt.[c] His vigorous methods may have had something to do with making the second delegation to the Northwest larger and more general in character than the first.[d] There were fourteen in the troop, representing the Onedia, St. Regis, Stockbridge,[e] Onondaga, Seneca, and Tuscarora Indians.[f] Eleazer Williams was the special representative of the St. Regis, who

[a] Calhoun to William Wirt, United States Attorney-General, April 17, 1821, "Indian Office Letter Books," Series I, E, p. 92.

[b] Calhoun to Jasper Parrish, "Indian Office Letter Books," Series I, E, p. 386.

[c] Calhoun to David A. Ogden, April 28, 1821, "Indian Office Letter Books," Series I, E, p. 96.

[d] "Excepting those of the first Christian party of the Oneidas, and the Stockbridges, all these delegates, to-wit: one from Onondaga, one from Tuscarora, one from the Senecas and one, Williams himself, from St. Regis, went on their own private responsibility, without any authority from their tribes. If any exception should be made in case of Williams, as for the St. Regis, it never appeared, so far as I could discover, in any authentic form. In fact, with the exception of the first Christian party of the Oneidas, and the Stockbridges, the sentiment was universal, and most emphatically expressed against removal from their homes in New York." (Ellis, "Recollections of Rev. E. Williams," "Wis. Hist. Colls.," VIII: 335.)

[e] The Stockbridges seem to have been a unit in their desire to remove. Note their letter to Bishop Hobart quoted in Doctor Dix's "History of Trinity Church," p. 193.

NEW STOCKBRIDGE
June 9th, 1821.

Right Rev. Sir,

This is particularly to state to you that our tribe have all agreed to send messengers to meet with the Tribes in the Northwest Territory agreeable to an arrangement made with those Tribes last summer by Mr. Williams and his Oneida friends.

We would further inform you that we as a tribe united with our brethren in a speach to those Tribes and received a friendly answer, brought by Mr. Williams.

We would further inform you that we are expected by those heathen Tribes to visit and hold a general Council with them this season in union with our Brothers the Oneidas.

Our object is to recommend perpetual peace among themselves and among both Red and White people.

Also to recommend Civilization and the Christian Religion among that heathen people.

We well know that those Tribes will expect us with a few of our brethren the Oneidas. We have good reason to believe that Oneidas will not send unless your missionary Mr. Williams goes as a leader.

We have reason to expect that we may obtain from those tribes a fine place or Country which will be beneficial to our tribes.

We are now nearly ready to send four of our principal young men on this great and important business.

We have reason to hope we shall meet the blessings of Heaven, and by our Council be able to do much good for the glory and honour of our Common Saviour to a numerous population of Red people. Now, Right Rev. Sir, our request is that for the above-mentioned reasons you give your consent and approbation that your Missionary, Mr. Williams, go with us.

Remain Rev. Sir, your friends and children.

We shall expect an answer as soon as is convenient.

HENDRICK AUPAUMENT,
JACOB KONKAPOT,
ABNER W. HENDRICK,
SOLOMON W. HENDRICK.

Right Rev. Bishop.

[f] The Munsees also sent a delegate, who, by the special permission of the Government, was included in the Stockbridge contingent. (Calhoun to Cass, June 21, 1821, "Indian Office Letter Books," Series I, E, p. 121.)

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were his own people, and he carried with him a letter[a] of introduction from De Witt Clinton. The delegation arrived at Detroit on the 12th of July, 1821,[b] and were met by Governor Cass, who added Charles C. Trowbridge[c] to their party, a representative of the General Government. When they reached Green Bay in August, they found no Indian agent in attendance; for Bowyer had died and his successor was temporarily absent. Cass had warned them that they would meet with interference from the French settlers and they certainly did;[d] but, after considerable delay, the Menominees and Winnebagoes of-

[a] "The Lost Prince," p. 291.

[b] "Detroit Gazette," July 13, 1821.

[c] Ellis, "Recollections of Rev. Eleazer Williams," in "Wis. Hist. Colls.," VIII: 335–336.

[d] The following letter from Trowbridge to Cass is confirmatory of this:

DETROIT, 7th *Septr.*, *1821.*

SIR.

The deputation from the Six Nations and Stockbridge and Munsee nations of Indians having returned to this place, I have the honor to report to you the proceedings and the result of their mission to Green Bay.

Soon after your departure from this place in July last, I learned that Maj. Biddle, the Indian agent at Green Bay, (whose advice and assistance, I was instructed, would be afforded the deputies) was about to leave that place for the purpose of attending the treaty to be held at Chicago.

I communicated this information to the deputies on their arrival here, and at their request I addressed a letter to your Excellency at Chicago, requesting that such instructions as would be most likely to secure the object in view, might be immediately forwarded to me at Green Bay. On our arrival at the place of our destination, we found the Agent absent, as was anticipated, and learned also, to our very great mortification, that his Interpreter had accompanied him. Upon consultation it was thought advisable tc proceed in our business without delay, although we were sensible that we should meet with many difficulties; and with this view we procured a commodious house in the vicinity of Fort Howard, where we were visited on the seventh of August, by a Menomini Chief and a few of his warriors. We informed these men that we should be pleased to hold a council with such Menomini Chiefs as were at the place, and requested them to attend us, accompanied by those chiefs, on the following day.

On the eighth a few of the Menomini Chiefs called at our house, and were soon followed by some Winnebagoes, who took seats with them in the council room, when the deputies addressed a short speech to the former, stating that they had an important communication to make to them, if their principal chiefs could be collected. This speech was, thro' mistake interpreted to them as addressed to both nations, which fact we did not learn until they gave their answer, when it was too late to correct the error, as they all professed themselves gratified with the invitation, and engaged to send immediately for the Chiefs of both nations.

Knowing that an enmity existed between the two parties, and that the Winnebagoes had refused to listen to propositions for the purchase of their lands, we were not a little displeased at this mistake of our Interpreter; but, as will appear to you, it eventuated in the accomplishment of our object.

On the sixteenth, the Chiefs of the two nations assembled, and we immediately commenced business. The Deputies opened the object of their missions in a very handsome manner, taking care to set forth in a proper light, the advantages which would result to their brethren the Menominies and Winnebagoes, from a cession as proposed; and after delivering a belt of wampum according to the Indian custom, the opposite parties replied in very flattering terms, and begged leave to consult each other, promising to give an answer on the following day.

On the 17th the Menominies opened the council with a positive refusal to accept the proposals made to them, alledging as a reason the limited quantity of lands possessed by them, and the difficulty they therefore experienced in gaining a livelihood. The Winnebagoes expressed a great deal of sorrow at this answer, and proposed to give their brethren of the east, the lands on the Fox river, from the Grand Chute to the Winnebago Lake, a distance of four and a half miles. Percieving that the Menominies were astonished at this reply, it was thought advisable to adjourn the council with a view

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fered to sell them a strip of land on the Fox River.[a] The price was

to give them time for reflection. On the following day they met the deputies again, and having stated that their minds had changed, proposed to join the Winnebagoes in a cession of the lands from the foot of the Grand Kaccalin to the rapids at the Winnebago Lake. Immediately the articles of the treaty were prepared, but before being finished the Menominies received a message from some person without the house, in consequence of which some of the Chiefs left the room, and a bustle commenced among those who remained. We percieved at once the cause of the confusion, and began seriously to fear the influence of the french inhabitants, some of whom had exerted themselves in opposition to our measures from the time of our arrival.

After some time had elapsed, the Chiefs who had left us, returned, and it was then difficult to procure a decisive answer to our question, "whether they would sign a grant, the terms of which had been proposed by themselves alone"? After a good deal of hesitation between their own inclination and that of their advisers, they told us, that their speaker had not expressed their true sentiments, but that their first determination on our proposition was unchanged and unchangeable. All hopes of effecting a purchase of the Menominies were now at an end; for we felt sensible, as well from experience as from information, that they were guided in everything by the advice and instruction of a few of the principal Frenchmen at the place, who have ever opposed with zeal, the progress of settlement and improvement in their country.

Upon reflection it was thought advisable to make another attempt, and the council was declared adjourned until the morning of the nineteenth, at which time the Winnebagoes were invited to attend and sign the grant which they had first proposed: The Menominies were told, that if they should feel disposed to join in the cession, we should be pleased to see them also.

In the evening the two nations held a consultation at their encampment, and on the following morning they all assembled and signed the treaty, of which I have the honor to enclose you a copy, together with a sketch of a part of Fox river, exhibiting the breadth and course of the tract.

The grant is not so wide as was wished for and expected by the deputies, but when it is considered that we were obliged to encounter serious obstacles, unaided and alone, it cannot be denied that the result has been favorable.

Some of the deputies have visited the lands on and adjacent to the river, and are much pleased with the apearance of the soil, timber and local advantages: Indeed it is pronounced by the inhabitants to be the most valuable tract in that country. The boundaries, as expressed in the articles of the treaty are rather indefinite, but under the existing circumstancs it was difficult to make them less so. The grantors claim to the northwest as far as the Chippeway lands; sometimes they say three, at others, four, five and six days march. On the southeast their claims extend to Lake Michigan.

Should it be thought advisable, I have little doubt that a purchase may be effected, of the lands from the Rapid of the Fathers, four and a half miles above Fort Howard, and near the upper extremity of the French settlement, to the Grand Kaccalin, a distance of thirteen and a half miles; which added to the present cession would make a breadth of upwards of thirty miles.

I cannot forbear expressing to your Excellency how highly I have been gratified with the correct moral deportment and statesmanlike conduct of the deputies from the Six Nations, under the direction of Mr. Williams, whose personal exertions in this business have been very great. With respect to the deputation from the Stockbridge nation, I cannot speak so favourably. Some of them, it is true, have genius and energy, but they have been more addicted to intemperance than becomes men on business of this importance; and I fear that some part of their conduct has left an unfavourable impression on the minds of the inhabitants at the Bay.

I am aware that I have been prolix in this report, but a desire to give your Excellency a detailed statement of the facts attending the mission, has been the cause, and I offer no other apology; not doubting, that when you shall take into consideration its imperfections, your goodness will prompt you to excuse them, under the belief that they do not arise from a want of inclination to make it more satisfactory.

With the highest respect, I have the honor to be Your Excellency's very humble and much obliged servant,

CHARLES C. TROWBRIDGE.

His Excellency LEWIS CASS,
Governor of the Territory of Michigan.

("Treaty Files," 1802–1853, Indian Office MS. Records.)

[a] "Beginning at the foot of the rapids, usually called the Grand Kaccalin, on the Fox river, thence running up the said river to the rapids at the Winnebago Lake, and

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$2,000, $500 to be paid in cash immediately and $1,500 in goods a year hence. Hendrick advised the acceptance of the offer and Trowbridge drew up a formal agreement to which the white men present subscribed as witnesses.

Williams thereupon returned to New York to receive the congratulations of De Witt Clinton [a] and the execrations of the pagan Oneidas,[b] who begged the Rev. William B. Lacey, of Albany, to intercede for them with Bishop Hobart to have Williams deprived of his office as missionary teacher. Other New York bands shared this sentiment of disapproval. Even those who had before shown a disposition to emigrate were now opposed, for they felt that the land just bought was quite inadequate. Nevertheless, Monroe unhesitatingly

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from the river extending in this width from each side of the same, to the northwest and to the southeast, equidistant to the Lands claimed by the said Menomonee & Winnebago nations of Indians." ("Miscellaneous Files," Indian Office MS. Records. See also "Treaty Files," 1802–1853, ibid.)

[a] Hanson, "The Lost Prince," p. 292.

[b] ONEIDA, *Feby. 25th, 1822.*

(1) Rev[d]. & dear Brother,

We are sorry to intrude ourselves upon you at this time by letter, but we have so often addressed our father the Bishop, upon the subject of our grievances without having any answer to our complaints, petitions, that we are induced to solicit your assistance & advice.

From M[r]. Dana our interpreter, you learn'd something respecting our situation with regard to M[r]. Williams, as long as he remains with us we shall continue disunited, our affections for him are changed; we cannot reverence or respect him as we once did, he has tried every means in his power to draw us away from *our own lands,* he wishes us to leave the possessions we inherit from our fathers, to our white brethren, but *we cannot* sacrifice our *houses* & our *Church* & go to the land of strangers,—while he continued faithful to our spiritual interests & remained with us a teacher of good things we loved him & endeavour'd to assist him, but when he became discontented with his situation, neglected us & often left us we became jealous of our rights, & enquir'd into the motives that actuated him. Ambition appears to be the ruling passion in his breast, the humble cottages of the natives illy suits the dignity of his mind, we however forbear personal reflections,—& solicit relief—

Dear brother we are sorry to learn that M[r]. W. has insinuated that we have become disaffected with the *Church* & wished a change on that account but this is not the *case* we are still attached to our service & consider *our* Church as the true Church of Christ, we consider the Bishop our father & look to him for a teacher.

We have long looked for an answer to our letters but he has not written to us & we fear he has forgotten his red children.

Will you not intercede for us, dear brother? We desire a young man of piety & disinterested benevolence, one who is willing to conform to our modes & customs, & capable of learning our language. Our wishes center in M[r]. Davis, the young gentleman who acted in the capacity of reader during M[r]. W's absence last summer.

Dear brother we wish you to send us an immediate answer as we feel as if we were forgotten by our father the bishop. One circumstance ought not to be omitted in our communication to you. We learn that a petition has been sent to the Bishop (signed by a great number of Indians) requesting him to continue M[r]. W. with them in the capacity of a reader. This petition was signed by *some of them* in consequence of *a threat* that when *he went the Prayer Book* & the Bishop's support would be withdrawn & the petition was signed by several excommunicated members from the episcopal & also the presbyterian Church,— Dear Brother we think that if we should leave this place & go to the West among the Indians we should lose our Church service, we being few in number should be obliged to conform to them in their mode of worship here we have a Church & here we desire to die & be buried by the side of our fathers.

In January last we sent a letter to our father the Bishop requesting him to send M[r]. Davis among us as our reader this was signed by the chiefs & separately by the members

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gave his personal sanction to the agreement.[a] He did not think it necessary to apply to the Senate, since it was only a contract between two sets of Indians;[b] but was soon called upon to consent [c] to a third

of the Church. We mention him in particular because he appears devoted to our Church & we are pleased with the mildness of his disposition & his easy familiar manners.

Dear Brother, we remain

Your friends & Brothers of the Oneida Church.

his
Nicolas X Garmigontaya
mark
his
Hendrik X Schuyler
mark
Peter Yaramynear
his
John X Cornelius
mark
his
Moses X Schuyler
mark
his
Christopher X Schuyler
mark
Martin Quiney
his
Abraham X Schuyler
mark

P. S. We intended to have obtained a greater number of subscribers to this but the inclemency of the weather; & a wish to send it immediately prevent our giving this a free circulation.

("Hobart Papers.")

(2) The Right Rev. Bishop Hobart.

Dear Sir,

Early in the winter Cap. Dana, and several chiefs of the Oneida Tribe, called on me, and requested that I would join with them in recommending M[r]. Solomon Davis—a member of St. Peter's Church—to you, as a suitable person to succeed M[r]. Williams; but not having sufficient information on the subject, I declined complying with their request. This morning I received the enclosed communication, urging me again to write you on the same subject; and not wishing to offend them by totally disregarding their request—I have taken the liberty to address you on a subject, with which you will have good reason to think I have no concern.

Although I have a high opinion of M[r]. Williams zeal and fidelity in our cause, I am afraid, that owing to a concurrence of circumstances—a part of which undoubtedly is unfounded suspicion—he has lost his influence over the Oneidas, and that a removal as speedy as is consistent with his reputation, will contribute to the interest of the Church—Prejudice founded in invincible ignorance is often unconquerable, and the best way to avoid its consequences, is generally—in the case of clergymen—to flee from it. Under this impression I am inclined to think, that the sooner M[r]. Williams enters on his mission to Green Bay, the better it will be for him and the Church.

As to the person the Oneidas has designated for his successor, I can at present only say, that about two years since he came recommended to me as a worthy communicant in our Church by the Rev. M[r]. Butler; that he has resided about eighteen months in this place as a journeyman printer; is generally spoken of by those who know him, as a sober, moral, and pious man; and that he appears to possess much mildness of temper and suavity of manner. He was with the Oneidas last summer, and in the absence of M[r]. Williams read sermons for them in the Church, and appears to have gained their esteem.

It is needless on the present occasion to be more particular, but should a communication subsequently be necessary, I will endeavor to answer all the queries you may propose.

I am Right Rev. and dear Sir, with very great respect and esteem, your humble obt serv[t].

WM. B. LACEY.

Albany 28[th] Feb. 1822.

("Hobart Papers.")

[a] Calhoun to Cass, November 22, 1821, "Indian Office Letter Books," Series I, E, p. 194, Treaty Files, 1802–1853, Indian Office MS. Records.

[b] Calhoun to Solomon U. Hendricks, November 22, 1821, "Indian Office Letter Books," Series I, E, p. 195.

[c] Same to same, February 13, 1822, "Indian Office Letter Books," Series I, E, p. 215.

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expedition in quest of satisfaction. Meanwhile the Indians were in a very excited state, for the speculators in New York were trying to convince them that the Government was going to force them to go West. Calhoun[a] comforted them as best he could, for compulsory measures were the very farthest from the President's intentions.[b]

The third New York expedition to the Northwest[c] had no official leader, although Solomon Hendricks and Eleazer Williams[d] accompanied it as before, and Cass asked Sergeant to look after the interests of of the United States. On the 16th of September, 1822,[e] it

[a] Talk of April 15, 1822, to Chiefs of the First Christian Party of the Oneida Indians, "Indian Office Letter Books," Series I, E, pp. 234–235.

[b] "Your ideas as to the views of the Government in relation to lands claimed by Indians, are very correct, and the assurance you have given to the Oneida and Onondago nations, that the government will never permit them to be deprived of their lands without their consent, is in perfect accordance with them. It is my impression however that it would be for their advantage to remove beyond the white settlements. * * * It was with this impression that the deputation referred to, was upon application signed by three chiefs of the Oneida nation, encouraged to visit the Indians in the neighbourhood of Green Bay, with a view to obtain a portion of their Country for the future residence of such Indians of the Six Nations as might *choose* to emigrate thither. A deputation of the Stockbridge nation was also, upon application of the chiefs, encouraged to visit that country for the same purpose. But it never was intended to *compel* any to emigrate, or to deprive them of their lands without their consent. In fact, the government can have no inducement to take any measure to remove the Indians, or even to assent to their removal; but for their own interest as the Country occupied by them does not belong to the U. States but to individuals. * * * " (Extract of letter from Calhoun to Rev. O. B. Brown, September 27, 1821, "Indian Office Letter Books," Series I, E, p. 155.)

"For the information of Mr. Troup I herewith enclose copies and extracts of letters which indicate the views and measures of the gov't in relation to the removal of the Six Nations from the State of New York. By these it will be seen that the Government has endeavored to impress upon the Indians the advantages of changing their present residence for one further West, and it will continue to do so upon every suitable occasion, but no steps for their removal can be taken without their consent. * * * " (Extract of letter from Calhoun to Hon. W. D. Rochester, House of Representatives, April 15, 1822, "Indian Office Letter Books," Series I, E, p. 233.)

[c] Calhoun to Solomon U. Hendricks, February 16, 1822, "Indian Office Letter Books," Series I, E, p. 218.

[d] Calhoun to Rev. Eleazer Williams, May 8, 1822, "Indian Office Letter Books," Series I, E, p. 253.

[e] GREEN BAY, *Oct. 16th, 1822.*

(1) Dear Sir,

With respect to the commission with which your Excellency was pleased to honor me, I beg leave to submit the following report.

I left Detroit on the 19th of August in company with the New York Indians and arrived at Green Bay on the first day of Septr. Messengers were immediately dispatched to the different lodges of Menominie and Winnebagoe Indians who returned and collected of both Tribes about Eight Hundred people old & young. They assembled on the 16th Septr. and received from the New York Indians the amount of goods stipulated in the third Article of the Treaty made last year. The Winnebagoes then returned to their homes. The Menominies were then invited to treat with the N. York Indians for an extension of the purchase made last year. They were particularly informed through their interpreter that the purchase, if made, would be approbated by the Government of the United States and that I, as a commissioner under Government, was directed to make the statement to them. The French and other inhabitants in this place, who were interested in the subject also received the same notice. The Menominies after deliberating on the subject met on the 23rd day of Septr and as far as I could learn, without a dissenting voice, agreed to the proposals made by the N. York Indians which were put in the form of a Treaty, which Treaty is herewith transmitted to your Excellency reference being had to the same particulars will more fully appear. I have been credibly informed that some of the French people at this place have taken much pains to create a party among [the] Menominies to frustrate the designs of Government and the N. York Indians in the aforesaid purchase and have been entirely unsuccessful in their attempts

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managed to assemble the Menominees and Winnebagoes in council, and the latter stayed until after the payment for the joint cession had been completed. A serious deliberation then followed, in which the French settlers joined. The upshot of it was, that on the 23d the Menominees [a] agreed to an extension of the grant of 1821,[b] but soon

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and I have the pleasure further to state that the Menominies appear to be much pleased with the bargain and their new neighbors.

The subject of any former purchase having been made by the French, British, or American Government has been particularly inquired into & that no transfer has ever been made to either, except a piece of land immediately in the vicinity of Fort Howard which the Indians acknowledge though it has never been reduced to writing.

All of which is respectfully submitted by, dear Sire,

Your Excellency's most obedient Servant,

JOHN SERGEANT, Junr.

To his Excellency LEWIS CASS, Esqr
Governor of the Territory of Michigan

(True Copy of the 1st Copy.)

("Miscellaneous Files," Indian Office MS. Records.)

(2) We arrived at Green Bay on the 1st day Septr where messengers were immediately sent on to different encampments or towns of the Menominies & Winnebagoes to notify them of our arrival.

In a few days after the Indians from the two Nations began to arrive & collect near where we had our quarters, accompanied by their Chiefs & Head Warriors. On the 16th September a council was held with the Chiefs & warriors of the two nations, when a short talk was delivered to them renewing the covenant of our friendship and the agreement we had made with them last year.

I had the gratification to find by their reply that they were all satisfied with the Treaty. 'No one, as they say, is against it.' They were much pleased to see a number [of] families from our Tribe had come, with a view to live near them. The goods were then delivered to them & the amount each Nation paid receipted on the back of the Treaty.

A few days after a council was again held with the Menominies with a view to endeavor to have an extension made to the cession of last year, and I have now the satisfaction to inform you that the Deputies succeeded in obtaining from the Menominies the cession of all the lands owned by them situated from the lower line of the Territory ceded to us last year including all islands in the Bay. The treaty was signed on the 23rd day of Sept. and I was requested by my Chiefs to carry the same to our father the President for his approbation and ratification and which I have the honor to present the Honble the Secy of War, Together with a letter from John Sergeant Jr. Esqr. originally directed to his Excellency Lewis Cass who was absent having, as I understood, started for the seat of Government four days before our arrival at Detroit. i. e. Deputies from the Oneida, Tuscarora, St Regis, Munsee, & Stockbridge Tribe of Indians. (N. Y.)

True Extract from the 1st Copy.

Per J. W. ———

(Extract of a communication from S. U. Hendricks to Calhoun, "made at Washington City the 20th. of Feb. 1823," "Miscellaneous Files," Indian Office MS. Records.)

[a] In the summer of 1824, J. D. Doty submitted to Cass the depositions ("Miscellaneous Files," Indian Office Manuscript Records) of certain of the French settlers at Green Bay; viz, Paul Grignon, Pierre Grignon, and Lewis Rouse, to the effect that the Menominees present at the treaty council of 1821 were not chiefs or headmen, but really persons of small consideration and of no authority. The deponents had nothing apparently to say against the personel of the later council of 1822. Are we then to infer that bona fide chiefs agreed to the larger grant?

[b] "Beginning at the foot of the rapids on Fox river, usually called the Grand Kaccalin, thence southeast (or on the lower line of the lands last season ceded by the Menominee and Winnebago Nations of Indians, to the six Nations, St. Regis, Stockbridge, and Munsee nations,) to or equidistant with the Manawohkink river emptying into Lake Michigan, thence an easterly course to and down said river to its mouth, thence northerly on the borders of Lake Michigan to and across the mouth of Green Bay, so as to include all the Islands of the Grande Traverse, thence from the mouth of Green Bay aforesaid a northwesterly course to a place on the Northwest shore of Lake Michigan, generally known and distinguished by the name of Weyohquatonk by the Indians; and Bay de Noque by the French, thence a westerly course, on the height of land seperating the waters running into Lake Superior & running [into] Lake Michigan,

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repented of their genorosity, the trading interests of the bay being all opposed to the coming of the New Yorkers. The proprietors now redoubled their efforts to induce emigration, and especially to overcome the prejudices of Red Jacket and his Senecas,[a] but to no purpose. Gradually Indians from the other bands did emigrate,[b] but met with constant interference[c] from the French settlers, who did their best to impeach the validity of the Menominee contract. Final sanction[d] by the Department was therefore necessarily delayed.[e] Meanwhile the white population steadily increased, so that as the years went on the New York proprietors found it more and more difficult to prevail upon the Senecas to emigrate.[f] Morse's grand scheme for the establishment of an Indian State had come to nothing. It had vanished before the spectre of James Duane Doty's "Territory of Huron."[g]

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to the head of the Menomonee river, thence continuing nearly the same course until it strikes the northeastern boundary line of the lands ceded as aforesaid by the Menomonee and Winnebago Nations to the Six Nations, St. Regis, Stockbridge, and Munsee nations of Indians in 1821, thence southeasterly to the place of beginning." ("Miscellaneous Files," Indian Office Manuscript Records.)

[a] (1) Talk of Calhoun to Red Jacket, Major Berry, and Cornplanter, chiefs and deputies of the Seneca Nation of Indians, March 14, 1823, "Indian Office Letter Books," Series I, E, pp. 404–406. (2) Calhoun to T. L. Ogden, March 15, 1823, ibid., p. 406.

[b] Eleazer Williams to Right Reverend Father Bishop Hobart, May 15, 1823.

[c] J. Sergeant to Rev. J. Morse, February 16, 1824, "Miscellaneous Files," Indian Office MS. Records; New York Indians to Morse, November 6, 1824, ibid.; Solomon U. Hendricks to Calhoun, February 11, 1825, ibid.; McKenney to Maj. Henry B. Brevoort, Indian agent at Green Bay, March 8, 1825, "Indian Office Letter Books," Series II, No. I, p. 393.

[d] The President did almost immediately sanction the New York Indian Menominee agreement, but only in part; i. e., for as much land as he felt was amply sufficient for the needs of the emigrants. (Calhoun to T. L. Ogden and B. W. Rogers, August 21, 1823, "Indian Office Letter Books," Series I, E, p. 480.) Later, however, in deference to the wishes of the preemptive right proprietors he modified his decision, but still did not sanction the transfer of the whole of the grant. (Calhoun to T. L. Ogden and B. W. Rogers, October 13, 1823, ibid., p. 496; Calhoun to Rev. Eleazer Williams, October 18, 1823, ibid., p. 499.) This did not imply that the lands not included in the sanction were to revert to the grantors (Calhoun to T. L. Ogden and B. W. Rogers, October 23, 1823, ibid., p. 501); but, simply, that anything beyond a transfer of about 2,000,000 acres to which the governmental sanction was given, though reluctantly, would have to be a matter of arrangement among the Indians alone. The New York tribes were greatly dissatisfied and appealed to the War Department through A. G. Ellis, but to no purpose. (Calhoun to the chiefs and headmen of the Onondaga, Seneca, Tuscarora, Oneida, and Stockbridge tribes of New York, October 27, 1823, ibid., pp. 503–504.) The Ogden Land Company then tried to secure an entire change in the grant, but was told that nothing of the kind could be done until the President was "possessed of some unequivocal evidence" that it would be acceptable to the Indians. ("Indian Office Letter Books," Series I, F, p. 3, letter from Calhoun to T. L. Ogden, October 31, 1823.)

[e] McKenney to Cass, April 16, 1825, "Indian Office Letter Books," Series II, No. 1, p. 449.

[f] Their unwillingness was undoubtedly fortified by the repeated assurances of the Government that force would never be used to compel them to go. (McKenney to the chiefs of the Onondagas, Senecas, and Oneida tribes, April 20, 1824, "Indian Office Letter Books," Series II, No. 1, p. 44.) After the appearance of Monroe's special message on Indian emigration of January 27, 1825, the Six Nations sent a delegation to the southwestern tribes to consult about removal to that region, but the delegation reported unfavorably. (Jasper Parrish to Barbour, September 21, 1825, "Miscellaneous Files," Indian Office MS. Records.)

[g] (1) "Doty Papers," "Wis. Hist. Colls.," XIII: 221–226, 227–237. (2) "Wis. Hist. Colls.," XV: 401, note.

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CHAPTER VI.

THE SOUTH AND INDIAN REMOVAL, 1820-1825.

Toward the close of Monroe's first Administration the State of Georgia began to take a lively interest in Indian removal. The cause was not far to seek; for it had so happened that, of all the vast cessions secured from the natives since 1812 or earlier, a comparatively small portion only had fallen within her limits. It was of no use for the United States to urge in self-extenuation that expediency or Indian willingness had conditioned such a state of affairs. Georgia could attribute it to nothing but national selfishness. Ordinarily, land, as soon as it was disencumbered of the occupancy title, became a part of the public domain. It was not so in Georgia. There, as a result of the compact of 1802, it became outright the property of the State; and, in consequence, the Federal Government derived no pecuniary advantage from its sale.

The first expression of dissatisfaction came with the capitulation of Fort Jackson, 1814, by which two cessions of strategic importance were demanded—one in Alabama, throwing a white population into the very midst of the four great tribes, and the other, very much smaller, in southern Georgia, separating the Creek from the Florida Indians. The difference in size of the two cessions, whatever Georgia might say to the contrary, was based mainly upon ideas of indemnity, since the Alabama country was inhabited by the hostile Creeks and the Georgian by the friendly. Indeed, the only justification for taking any of the latter was the fact that the title to its southern portion was disputed by the Seminoles.

Georgia constantly intimated her desire to have the Creek line of 1814 changed, and, in 1817, while Monroe was absent on his eastern tour, Graham instructed the new Creek agent, D. B. Mitchell, to hold an interview with the chiefs for that purpose. The result was the treaty of 1818, and still Georgia was dissatisfied; for Wilson Lumpkin, who ran the western line of one of the two ceded tracts, reported the land unexpectedly small in quantity and poor in quality.[a] There was nothing to do but to try again. Great difficulty occurred, however, in securing suitable commissioners. Jackson, who could have

[a] Calhoun to Lumpkin, October 26, 1818, "Indian Office Letter Books," Series I, D, p. 224.

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best pleased Governor Clarke, was not disposed to serve.[a] Four men in turn declined the honor, one of them, Gen. Thomas Flournoy, because the Georgia commissioners, whom the President had permitted to be associated in the conferences, assumed too much authority to themselves. As usual, an exchange of territory was offered to the Creeks,[b] but they refused to consider it, and made instead a cession upon a money basis highly discreditable to Georgia.[c]

It was subsequent to this Creek treaty of 1821 and, in part, growing out of it, that the compact of 1802 became the most prominent feature of all discussions bearing upon the Indian question. By that compact the United States, in consideration of a cession by Georgia of the territory now comprised within the States of Alabama and Mississippi, undertook to extinguish the Indian title within the reserved limits of Georgia as soon as it could be done "peaceably and on reasonable terms." It is well to note the date of the compact and also the two conditions of extinguishment. In 1802 neither Georgia nor the United States could have contemplated removal. Some other way of disposing of the Indians must therefore have been intended; but everything was to be done "peaceably and on reasonable terms." There was no intimation of a resort to force anywhere in the document. The United States was given its own time in which to execute the contract, providing it took advantage of every favorable opportunity. The action of Georgia in placing conditions upon her cession was entirely in line with that of other States claiming western lands; but the inclusion of the Indians was a novelty. Practically, though, they were the cause of the cession.

The constitutional significance of Indian removal may be said to date from the report[d] that a select committee (of which George R. Gilmer, a member of the Troup, or State Rights, party in Georgia politics, was chairman) submitted to the House of Representatives, January 7, 1822, on the question whether or not the United States was keeping her part of the Georgia compact. The report is highly interesting as affording a clear exposition of the grounds for complaint before race animosity and political acrimony had quite dulled the sense of justice. As regards the question at issue, it was an answer in the negative; and its argument resolves itself into a criticism of recent treaties by which the United States was held to have violated

[a] J. Q. Adams to Clarke, June 1, 1820, American State Papers, "Indian Affairs," II: 257.

[b] "Miscellaneous Files," Indian Office, MS Records.

[c] The Georgia agents presented claims against the Creeks for which, as was afterwards reported by the War Department to Congress, there was strong presumptive evidence of prior settlement. (American State Papers, "Indian Affairs," II: 254–257.) The United States commissioners were much embarrassed by the matter, yet framed a treaty that overruled the Creek repudiation. The history of the Preston commission, which was appointed to investigate the claims, furnishes abundant evidence of the unfair advantage which Georgia and her citizens were ready to take, not only of the Creeks, but also of the United States Government.

[d] American State Papers, "Indian Affairs," II: 259.

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both the spirit and the text of the compact—the preference shown for other States in the matter of cessions and the supposed discouragement of Indian emigration being a noncompliance with the one, guaranties of integrity and fee-simple titles in contravention of the other. Going a little beyond its positive instructions, and taking, perhaps, its cue from the Louisiana case, the committee next ventured to assert that citizenship promised by an Indian treaty was an infringement of the powers of Congress, and that, in so far as one treaty affected vested rights that had accrued under another, it was void. Have we not here an anticipation of the great Indian Springs controversy?

In due season, at the importunity of the legislature and by the advice of Monroe,[a] Congress acted upon a suggestion of the Gilmer committee and appropriated $30,000 toward extinguishing the Indian title within the limits of Georgia.[b] The President, considering the sum too small for effective negotiation with both Creeks and Cherokees, applied it exclusively to the latter and intrusted its disbursement to two Georgia citizens—Duncan Campbell and James Meriwether.[c] Their prospect of success was very slight; for, although the Creek Path towns were reported favorable to a cession, the majority of the Cherokees were opposed, and, in national council, decided to hold fast to the remainder of the tribal land. Of this decision the War Department was apprised in the fall of 1822.[d] Yet it allowed the commission to proceed, hoping that the aversion to a cession might be "conquered by a little perseverance and judicious management."[e] Georgia agents were again in evidence with their list of claims demanding settlement. It is no wonder the Indians continued obstinate, particularly as Joseph McMinn, their old enemy, was now their agent, and Congress, deferential to Georgia, had authorized[f] the purchase of all reservations taken in fee under the Creek treaties of 1814 and 1821 and the Cherokee of 1817 and 1819.

The official negotiations with the Cherokees did not begin until October, 1823, and were remarkable for the able rebuttal of all the arguments advanced by the United States commissioners, whose preliminary "talk,"[g] taken in connection with later events, might well be cited as an illustration of the inconsistency to which white men were so often reduced in their dealings with the natives. This "talk" paid a high compliment to Cherokee civilization, and then proceeded to define the Indian political status as excluding interference by the

[a] Message, February 25, 1822, Richardson, II: 115.
[b] Act of May 7, 1822, 3 United States Statutes at Large, 688.
[c] Such was the commission as confirmed by the Senate. General Floyd, Maj. Freeman Walker, and Hon. J. A. Cuthbert had been asked to serve. Two of them declined. Floyd accepted, but soon resigned.
[d] Cherokee Files, Indian Office MS. Records.
[e] Calhoun to Campbell, March 17, 1823, "Indian Office Letter Books," Series I, E, p. 408.
[f] 3 United States Statutes at Large, 750.
[g] American State Papers, "Indian Affairs," II: 467.

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State. Finally, it urged removal on the plea that the white people were so crowded "that they were driven from friends and connections to foreign lands." The Great Father of the Universe had intended the earth "equally to be the inheritance of his white and red children;" but in Georgia the latter had a much larger share than the former. The Cherokees replied that they did not know as to the intention of the Supreme Father,[a] but it was quite evident that neither individuals nor nations had ever respected the principle; and, as experience had taught them that a small cession would never satisfy the white men, they were determined to make none at all. Love of country impelled them to stay where they were, where their ancestors had lived and died. Those who had gone West had suffered great hardships, and their numbers had been much lessened by sickness, war, and other fatalities.

The subsequent "talks" of the commissioners gained in harshness as the conviction strengthened that the Cherokees were not to be persuaded, cajoled, or intimidated. Campbell reported the failure to Calhoun with the information that the Creeks were likely to be more compliant.[b] At the beginning of the new year, for Cherokee chiefs—Ross, Lowry, Ridge, and Hicks—appeared in Washington, deputized by their nation to plead with the President personally against further requests for land; but Calhoun coolly informed them that all communications would have to pass through the War Department.[c]

Meanwhile, a change had taken place in the executive office of Georgia which was destined to have important consequences for the Indians. At the fall elections, the radical party triumphed over the conservative, and George McIntosh Troup became governor. He was supposed, in general, to stand for State sovereignty and, in particular, to represent the interests of the more aristocratic planter community, while his opponents of the Clarke variety found their adherents among the frontiersmen. Both factions were interested in Indian removal, but differed as to the means which they would employ to accomplish it. As we shall see, Troup was a veritable "Hotspur," impatient of restraint, possessed of an ungovernable temper, and determined to impress the world with his own forced construction of the compact of 1802.

His first display of arrogance toward the Federal Government came out as a result of the Cherokee visit to Washington in 1824. That visit was unusually prolonged by reason of the fact that Calhoun could come to no terms with Hicks and his colleagues. Replying, on the 30th of January, to their note of the 19th instant,[d] he

[a] American State Papers, "Indian Affairs," II: pp. 468–469.
[b] November 28, 1823, "Cherokee Files," Indian Office Manuscript Records.
[c] "Indian Office Letter Books," Series I, F, p. 32.
[d] American State Papers, "Indian Affairs," II: 473.

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placed great stress upon the obligations of the Georgia compact, to which they rejoined that a full compliance with the terms of that agreement was conditional upon the consent of the Cherokee Nation.[a] This decision, at the instance of Monroe, was communicated to Governor Troup and also to the Georgia Congressmen.[b] Troup, in violent, dictatorial language, retaliated, that the Cherokees were only tenants in possession and that their opposition had been instigated by men in the employ of the Federal Government.[c] The Congressmen went even further; for, striking at the whole Indian policy, they remonstrated against the diplomatic courtesy shown to the delegates and declared, in conclusion, that if the Cherokees would not peaceably remove, it was the duty of the United States to order them.[d]

This formal protest of the 10th of March found its answer in the President's message of the 30th,[e] which reviewed the history of the Georgia compact, emphasizing its limitation of "peaceably" and insisting, from documentary and statistical proofs, that the United States had done its duty. On the whole, it was a very creditable state paper, complimented by Madison for its fairness,[f] and, from the viewpoint of abstract justice, much in contrast with a memorial of the Georgia legislature, which was transmitted to Congress early in April.[g] In the House of Representatives a select committee, with John Forsyth as chairman,[h] reported upon the message and accompanying papers the middle of the month. After exploiting the doctrine that the compact of 1802 did not affect the sovereignty of Georgia, but merely threw upon the General Government the burden of expense, the committee resolved, "That the United States are bound by their obligations to Georgia, to take, immediately, the necessary measures for the removal of the Cherokee Indians beyond the limits of that State." They further advised an appropriation looking toward the extinguishment of both the Creek and Cherokee titles. Monroe's message and the discussions which it aroused in Congress provoked another protest from Governor Troup as inflammatory as the first;[i] but a new appropriation put a temporary quietus upon the whole affair.[j]

The opinion seems to have prevailed in Congress that the Federal Government could as arbitrarily dispose of the Cherokees as it had

[a] American State Papers, "Indian Affairs," II: p. 474.

[b] Harden's "Troup," p. 201.

[c] Harden's "Troup," pp. 203–207; American State Papers, "Indian Affairs," II; 475–476.

[d] Niles' Register, XXVI: 103–104; Harden's "Troup," pp. 216–218.

[e] Richardson, II: 234–237.

[f] "Writings," III: 434.

[g] It seems probable that Judge Berrien drew up the memorial and remonstrance of the legislature to the President. Harden's "Troup," p. 199, note.

[h] Annals of Congress, Eighteenth Congress, First Session, vol. II: p. 2349.

[i] Niles' Register, XXVI: 275–277; Troup to Calhoun, April 24, 1824, Harden's "Troup," pp. 210–216.

[j] Act of May 26, 1824, 4 United States Statutes at Large, p. 36.

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disposed of the Seminoles; but the cases were a little different. While Ferdinand of Spain was hesitating to ratify the Florida treaty, fearful lest the United States, its object once secured and its hands free, would recognize the independence of the South American Republics, preparations were begun extra-legally to administer the province, and the Indians came in for a share of the premature handling. Andrew Jackson's attitude toward them was almost vindictive, and well it might be, for it was still politically necessary to propagate the belief that their aggressions alone and no ulterior design of conquest had provoked his unauthorized invasion of a foreign State. Consequently Monroe's January offer to him of the governor-generalship boded ill for Seminole integrity.[a]

During the progress of the Florida campaign, Jackson ordered the renegade Creeks to return to their own tribe,[b] and this seems to have suggested itself to the War Department as an easy way of disposing of all the hostile Indians, Seminoles included.[c] Unfortunately the obstacles proved insurmountable. The only valid excuse for consolidating Creeks and Seminoles was that the two tribes were originally of the same stock. If that be so, argued the Creek chiefs to the indignant Calhoun, and you unite the Seminoles with us upon that basis, then we have a claim to their country and a voice in its disposal.[d] Georgia took advantage of the same dilemma just a little later. It was when the Preston Commission was passing upon the validity of claims preferred for settlement under the Creek treaty of 1821. The State government asked that damages against the Seminoles be grouped with those against the Creeks and all be paid out of the Creek funds. Monroe pronounced against the injustice, and Calhoun denied that the Seminoles had ever been officially recognized as anything but a distinct tribe. As a matter of fact, however, these can hardly be called obstacles. At any rate they were not insuperable,[e] neither was the Seminole resistance, but the Georgian was; for the compact of 1802 gave the casting vote in the negative, since its

[a] "Jackson's Papers," January 24, 1821. Jackson, in a memorandum to be found among his papers, labeled "January 24, 1822," says the appointment was first offered in 1819.

[b] Jackson to J. Q. Adams, April 2, 1821, "Jackson Letter Books," Vol. M.

[c] (1) "He (the President) directs that should they [the Seminoles] offer to treat for peace it will be given them on condition that they should remove to the Upper Creeks, with the consent of the latter, whenever the President may direct such removal. The President entertains no doubt of the policy of removing them from Florida; but it might be improper at this moment to cause such removal. The more dangerous among them, however, should be removed immediately." (Extract from letter of Calhoun to D. B. Mitchell, October 26, 1818, "Indian Office Letter Books," Series I, D, p. 223.)

(2) "You are authorized to take such steps as may be necessary to effect the object [the removal of the Florida Indians up into the body of the Creek Nation] in the most expeditious and economical manner. The Government will furnish the provisions that may be required for the support of the Seminoles during the removal and until they are in a situation to provide for themselves." (Same to same, March 11, 1819, ibid., p. 263.)

[d] "Indian Office Letter Books," Series I, D, pp. 278, 312, 352.

[e] Calhoun to William P. Duval, August 19, 1822, "Indian Office Letter Books," Series I, E, p. 310; Gadsden to Jackson, April 9, 1823, "Jackson Papers."

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purpose, inferentially, was not to increase but to decrease the number of Indians within the State limits.

Immediately upon the enactment of the law for carrying into effect the Spanish treaty, Monroe took measures to acquaint himself with the real condition of the Florida Indians by appointing as their sub-agent, under the general superintendency of Governor Jackson, a French political refugee, J. A. Penieres,[a] whose nationality and familiarity with the Spanish language were deemed special qualifications for the work. Penieres was instructed[b] to explore the country, to ascertain the number of the Indians and their tribal divisions, and to prepare them either for concentration within the peninsula or for removal to some other part of the United States.

The alternative proposition was the beginning of the end for the Florida Indians. More circumstances than one conspired at their undoing. A difference of opinion arose as to whether they owned any land at all and, even if they did, whether it might not be declared confiscated under the rules of war. Politicians of the Jackson stamp, eager to see Florida well populated before the next presidential election, argued first one thing and then another. They insisted that long ago the Indians had sold all their land to the British Government and had since been living in Florida on sufferance—an easy thing to do under the Spanish system. There was a germ of truth in all this. The Indians had, indeed, made a treaty with the British, after the French and Indian war, but it was one of limits only, a sale of the northeast corner, and not of entire surrender.[c] When the argument of nonpossession failed, that of forfeiture through conquest was advanced, then came that of expediency. It would never do to leave the Indians on the seaboard, accessible to smugglers and foreign emissaries, or scattered over the country, offering a safe harbor to fugitive slaves. To clinch the whole matter, Jackson wrote to Calhoun, September 17, 1821:[d] "Unless the Indians be consolidated at one point, where is the country that can be brought into market, from which the five millions are to be raised, to meet the claims of our citizens under the late treaty with Spain?"

Jackson's administration of the Floridas did not last long. Before the Christmas holidays he was back again at the Hermitage, a weary, disappointed man; but his influence continued. Unsuccessful in everything else as a governor, he managed to shape the destiny of the Seminoles for all time. Meeting some of them accidentally in

[a] "He was a foreigner of education and refinement, attached to his adopted country, particularly to Indians, for whose civilization and happiness he suggested many good plans, and devoted several years of his life." (Morse's "Report," Appendix, p. 151.)

[b] Calhoun to Penieres, March 31, 1821, "Jackson Papers"; "Indian Office Letter Books," Series I. E. p. 75.

[c] Horatio Dexter's "Observations on the Seminole Indians in 1823," "Miscellaneous Files," Indian Office MS. Records.

[d] "Jackson Letter Books," Vol. M.

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September, he stated [a] plainly what they had to expect, and then left the actual negotiation to his friends. Could he have had entirely his own way no treaty at all would have been made; for if Congress were ever going to assert, as it ought to do, its power of legislation over Indian affairs, it could not do better than begin with the "conquered" Seminoles.[b] The acting governor, Walton, a Georgian, was of Jackson's own way of thinking and severely criticized the more humane secretary, Worthington, for suggesting to the Indians that the United States would buy their land.[c] Speculators had already frightened them by making them believe that the Government intended to despoil them of it.[d]

Having decided upon concentration, the Government considered the question of where? Jackson's choice was, first, the Creek reserved lands; [e] next, the region of the Appalachicola; [f] and the Government ordered Captain Bell [g] to propose it to the Indians, but they would not give him the chance, and so lost their own [h] of selecting a desirable locality. Somehow they got the idea that Jackson, in his talk of September 18, had promised them their own choice of a location.[i] They therefore selected Choctawhatchee Bay, which aroused the wrath of Samuel Overton.[j] Such audacity was never heard of before. It could not be permitted; for that was "one of the finest bodies of land in the Territory." Eventually, some one proposed the neighborhood of the Everglades, south of Charlotte Harbor, and there the matter rested.

Two years passed away in this dilatory fashion. The warm season of 1822 threatened before Congress had made an appropriation,[k] consequently nothing could even be attempted until the autumn, then came the yellow-fever epidemic, so bad in New Orleans and

[a] Talk, September 18 and 19, 1821, "Jackson Papers."

[b] Jackson to Calhoun, September 17, 1821, "Jackson Papers;" Jackson to J. Q. Adams, October 6, 1821, "Jackson Papers."

[c] "* * * Mr. Worthington seems to have misunderstood entirely the sense and object of your talk. There was surely no intention that any Treaty should be entered into with them, much less such a one as is contemplated by the draft accompanying Mr. Worthington's communication. The idea is a cession on the part of the Indians of all their right and title to East and West Florida, which we neither ask nor want, for the simple reason that we do not admit that they have any right whatever—they then reserve and we acquiesce in the reservation of the very Country which you are most desirous we should reserve to ourselves; and then comes the project of a purchase of this Country from the Indians, excepting &c., which, in all probability there will be no disposition to sell, when it is once admitted to be theirs." (Extract of letter from G. Walton to Jackson February 4, 1822, "Jackson Papers.")

[d] Letter from J. A. Penieres to "My very dear and perfect friend." ("Miscellaneous Files," Indian Office Manuscript Records.)

[e] Jackson to Calhoun, September 2, 1821, "Jackson Letter Books," Vol. L; Jackson to Worthington, September 18, 1821, "Jackson Letter Books," Vol. M.

[f] Jackson to Calhoun, September 20, 1821, "Jackson Letter Books," Vol. M.

[g] Captain Bell seems to have been really kindly disposed toward the Indians.

[h] Calhoun to Duval, August 19, 1822, "Indian Office Letter Books," Series I, E, p. 310.

[i] Walton to Jackson, December 17, 1821, "Jackson Papers."

[j] Overton to Jackson, January 9, 1822, "Jackson Papers."

[k] Calhoun to Duval, August 19, 1822, "Indian Office Letter Books," Series I, E, p. 310.

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Pensacola that no provisions could arrive at St. Marks, where Governor Duval had planned to hold his meeting with the Indians. It was therefore postponed from November 20 to a more convenient time.[a] Meanwhile the Indians were growing more and more anxious. They saw the white people pressing on and knew not what to think. Governor Coppinger had given them so little satisfaction as to the provisions made for them by the Spanish Government and they had everything to dread. The new agent, Col. Gad Humphreys, of New York, did his best to reassure[b] them, but the long waiting was irksome.

As it happened, the War Department had even then decided upon a definite action, and Monroe had appointed commissioners[c] to negotiate a treaty upon the basis of concentration "on the Country South of Charlotte Harbor, if there be a sufficient quantity of good land . . . ; if not, take in a part of the Country between that and Tampa Bay."[d] Jackson's great friend, Col. James Gadsden, was one of the commissioners and Bernardo Segui the other. Gadsden, feeling that his political reputation was at stake, spared no efforts to achieve success and wrote to Jackson for advice.[e] A despotic treatment of the Indians was not likely to be criticized in that far-away region if only the authorities in control were satisfied.[f]

The treaty of Camp Moultrie, which the United States commissioners negotiated with the Florida Indians in September of 1823,[g] is, without question, one of the worst in all history. It is not so characterized because of any bribery used to effect it, though that was not absent,[h] but for the misery that it caused, dare we say intentionally? to over four thousand hapless human beings. When Agent Humphreys interviewed the Seminoles, preparatory to the treaty, they professed themselves ready and willing to begin an agricultural existence,[i] which theoretically was what the Government most desired for

[a] Calhoun to Col. Abraham Eustis, October 23, 1822, "Indian Office Letter Books," Series I, E, p. 347.

[b] Talk, March 20, 1823, "Miscellaneous Files," Indian Office MS. Records.

[c] At first there were only two, for the sake of economy (Calhoun to Hernandez, the delegate from Florida Territory, April 3, 1823, "Indian Office Letter Books," Series I, E, p. 422), but later the number was increased to three by the appointment of Governor William P. Duval. (Calhoun to Duval, June 30, 1823, "Indian Office Letter Books," Series I, E, p. 459.)

[d] Calhoun to Hernandez, March 19, 1823, "Indian Office Letter Books," Series I, E, p. 410–411; Calhoun to Gadsden and Segui, April 7, 1823, Manuscript Journal of the Commissioners, Indian Office.

[e] Gadsden to Jackson, April 9, 1823, "Jackson Papers."

[f] Gadsden to Jackson, June 8, 1823, "Jackson Papers."

[g] 7 United States Statutes at Large, 224.

[h] "Minutes of the Proceedings," American State Papers, "Indian Affairs," II: 431; MS. Journal of the Commissioners, Indian Office Records.

[i] "I must not omit at this time, to state as a fact of apparent interest which may have influence on the measures hereafter to be adopted in relation to these people, that keeping in mind your Instructions of the 21st January, I made it a consideration of primary importance to ascertain the disposition and views of the Indians in relation to the cultivation of the soil, and the adoption of the habits of civilized life, and I am

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them. Yet it deliberately [a] placed them in a region where subsistence by that means was absolutely impossible.[b] Moreover, intimidation was, by Gadsden's own confession,[c] and at Jackson's sugges-

happy to be enabled to say, that my inquiries have resulted in a seemingly well founded belief, that very little more is necessary to bring them into the measure, than to furnish them with the proper Implements of Husbandry, and locate them upon a tract of land sufficiently fertile to reward and encourage their labours. Although the settled practice of hunting for a living appears almost inseparable from their nature, yet the sensible and reflecting among them begin, even at this period, to look upon it as a precarious and uncertain means of subsistence, and urge with reasonable but unyielding pertinacity, the necessity of providing other and more stable sources of support. They declared themselves satisfied with what they heard at the Talk, and said that notwithstanding they felt great solicitude to know their destiny, yet they were resolved to wait patiently the determination and orders of the Government on the subject, in the belief that strict justice would be done them.

"They appear in general well disposed and not inclined to be troublesome; yet there is a manifest impatience felt to be informed of the Intentions of the United States towards them, which they cannot disguise if they would; they assert with much plausibility, that the incertitude of their condition, precludes the possibility of their making those permanent arrangements so essential to their comfort and well being. How long their present docility of temper may continue it is impossible to say, and I beg leave to take the present occasion to suggest, that the sooner they are attended to, and provided for the better. * * * ." (Extract from letter of G. Humphreys to George Walton, April 19, 1823, "Miscellaneous Files," Indian Office MS. Records.)

[a] Gadsden to Jackson, June 12, 1823, "Jackson Papers."

[b] The greater blame for this attaches itself to Gadsden; for the Government was willing even as late as July 31, 1823 ("Indian Office Letter Books," Series I, E, p. 473), to place them on the Appalachicola, a plan that did not commend itself, however, to the commissioner; because he was afraid it would intensify and prolong the sectional feeling between East and West Florida.

[c] (1.) Gadsden to Jackson, July 30, 1823, "Jackson Papers."

(2) ST. AUGUSTINE,
29 Sept. 1823.

SIR:—

Governor Duval has requested me to act as one of the Commissioners provided for to run the boundary line as concluded on by the late Treaty with the Florida Indians —— I have said to him that I would so far comply with his wishes as to write a *private letter* to you explaining my views on the subject, and stating how far my services may be demanded if required by the Executive —— The situation of Commissioner adverted to, is not to be coveted, but I am willing to act in said capacity provided in so doing I can be instrumental to the immediate accomplishment of the objects to be effected by the treaty lately concluded with the Florida Indians, and render any service to the Territory of Florida —— The boundary line of the Country South allotted to the Indians can only be run at a certain season of the year, & if that season is permitted to escape a postponement to a subsequent one is inevitable —— This season is confined to the winter months or between the 1st of Jany & 1 of April * * * . The sooner the line of demarkation is defined, the sooner will the Indians concentrate, and any delay on the part of the U. States may produce an opinion among the Indians that the National Government is not determined on an object of vital importance to the prosperity of Florida —— It is not necessary to disguise the fact to you, that the treaty effected was in a degree a treaty of imposition —— The Indians would never have voluntarily assented to the terms had they not believed that we had both the power & disposition to compel obedience.

The Impression made therefore should not be lost; a military Post should be immediately established at the Bay of Tampa, & the boundary line commenced & run as soon as the season will permit —— * * *

It is natural to wish to succeed in what we undertake—Success *would* be *doubtful* if the Commissioner was unsupported at least with the presence of a military force within striking distance of his operations, & failure inevitable if he attempts to contend against the elements.

From all the information I can gather relating to the country allotted the Indians, the hunting grounds in particular are inundated during the Spring & Summer rains. It is in winter only that they can be traversed, it is at that season only that they can be penetrated with Comfort & without sacrifice of health —— I am willing therefore to

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tion,[a] the means used to effect the object. Gadsden's practices throughout were merciless. Anticipating that a small number only might attend the meeting on the 5th of September, he proposed holding the many responsible for what the few accomplished. Again and again he urged the immediate establishment of a strong military post at Tampa Bay;[b] so that, if he could succeed in inducing the Indians to

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act as Commissioner, provided I can be immediately appointed & can receive the necessary orders for the immediate execution of the duties as such * * *

Should the above view of the subject correspond with your own: & my services be required: & the Executive feel disposed to associate any one with me, I take the liberty to name to you Lt. James Ripley of the Army, with the remark that his appointment would be gratifying in the extreme to me. Lt. Ripley commanded the Guard on the Treaty ground & rendered the Commissioners essential services during the complicated duties of their mission. He possesses the qualifications necessary in a pre-eminent degree —— The only objections to the propositions submitted anticipated by me, are the possible unwillingness of the Executive to act before the ratification of the Treaty —— But may not this obstacle be obviated on the plea of policy or necessity —— If the running of the line is postponed untill the Treaty is ratified it is very problematical whether it can then be run this season —— To delay concentrating the Indians another year would be seriously felt in the Territory of Florida —— It would be subjecting her fate to another embarrassment & she has already labored under many —— The expense I hope will prove no objection for I should be willing (if necessary) to make no demands on the Treasury untill advised of an appropriation: advancing the requisite amount myself. * * * A surveyor I would not require but would prefer the selecting a subaltern officer * * * Or if you would prefer it a Lt. of Engineers might be detailed as surveyor * * *

(Extracts from Letter from Gadsden to Calhoun, "Miscellaneous Files," Indian Office, MS. Records.)

[a](1) WAR DEPT.
31st July, 1823.

My dear Sir.

Such is my confidence in your judgement and character, that I am always happy to be put in possession of your views on any point connected with the publick interest.

Your knowledge of the Indian character enables you to speak with great certainty of the probable effect of any measure on them; & with this impression, the whole of your suggestions in relation to the pending treaty with the Indians in Florida would have been carried into effect, if there was sufficient time. As the treaty will be held in Sept[r] it will be impossible to move the troops from Baton Rouge to Tampa Bay, as you suggest. All of the other points will be attended to. I have great confidence in the Com[rs], particularly our friend, and I am very solicitous for their success. * * *

(Extract from letter of Calhoun to Jackson, "Jackson Papers.")

(2) Calhoun to Gladsden, Segui, and Duval, July 31, 1823, "Indian Office Letter Books," Series I, E, p. 473.

[b] Duval seems to have been in close accord with Gadsden. Note this letter to Calhoun announcing the sucessful negotiation of the treaty of Camp Moultrie. ("Treaty Files," 1802–1853, Indian Office MS. Records:)

ST. AUGUSTINE
26 Sept. 1823.

Sir,

On the 21[st] instant you were advised by mail of our having concluded a Treaty with the Florida Tribes of Indians. The 2[d] Article of the Treaty, accompanying this will inform you of the Boundaries assigned them, which with the other articles agreed on will be found in our opinion to correspond with the spirit of our instructions, as well as the humane policy of our government. The want of a knowledge of the country South of Charlott's Harbor, and the impossibility of inducing any satisfactory information relative to that region, necessarily prohibits the Commissioners from confining the Indians to that quarter agreeably to the views of the Executive as first expressed in our instructions. *A Northern Location,* though desired by a Majority of the Indians, was violently opposed within the limits recommended by Gen[l] Jackson; to have extended beyond the limits would have been injurious to the best interests of Florida —— *A Southern Location* was objected to by the Indians on the ground that the Country South of Tampa did not contain a sufficient quantity of good land to furnish the subsistence of life—That force only could drive them into those limits, and that they were well convinced that the Americans possessed the power, and they not the ability to

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move direct from the treaty ground to the spot assigned them, they would "find the seacoast occupied previously by a force capable of commanding obedience or chastising for dereliction."

The Florida tribes were diverse in origin and characteristics. It was therefore possible that some of them would prefer removal beyond the Mississippi to concentration with friend and foe in a bar-

resist—The Indians therefore threw themselves on the protection of the U. States; and appealed feelingly to the humanity of the Commissioners not to locate them in a country in which they must inevitably starve.—We knew nothing of the Country but from vague, and contradictory representations: the appeal therefore was listened to so far as to embrace within the limits assigned the Indians a small tract of country about 30 miles North of Tampa Bay, containing within its boundaries many of the Settlements of the Southern Chiefs—Even this extension *North* was not considered as removing the objections urged: to satisfy therefore all parties and convince even the Indians of the humane disposition of the American government towards them, an article was incerted that if on examination by the Commissioners &c appointed to run the line it should appear that there was not a sufficient quantity of good land within the limits allotted them, then the North line should be extended so as to give satisfaction on this point.—

The reservations made in the Appalachicola district were in favor of six influential chiefs, whose assent to the Treaty could not have been obtained without this equitable provision for them & their connections—They are all represented to be men of industrious habits, and who have made some advances in civilisation. Blunt & Tuske-Hajo have been long friendly to the Americans, and rendered essential services to Genl Jackson during the operations in Florida, on the termination of which they were permitted to reside where they now do under the protection of the United States, with a promise that when the Indians in Florida were disposed of, the provisions now made for them should be taken into consideration —— We view these reservations as among the most favourable terms of the Treaty: The lands allotted each chief & their connections are so limited, as to force the occupants into the civil habits and pursuits; while so large a subtraction is made from the Indian population to be concentrated, as to render that population more easily manageable.

The Treaty however was the best we could effect and we are inclined to the opinion that the boundaries to which the Indians have been limited will be found, on reflection, to be the most judicious in a National, as well as Territorial point of view — Justice has been done to the Indians by assigning to them a sufficient quantity of tillable land, with the addition of an extent of Territory alike favourable as hunting grounds, and for the grasing of cattle; while the position is so central as to admit of being encircled by a white population capable of overawing and controlling their uncivilised propensities.

We deem it our duty before closing our mission to invite your attention to some important subjects as intimately connected with the accomplishment of the views which have dictated the policy pursued by the U. States towards the Indians —— It was a misfortune to Florida as a frontier Territory and with her maritime exposure to have any Tribes of Indians within her boundaries — It would have been a national benefit to have removed them to a more interior position: but as this seems to have been impracticable: the only course left was that which has been adopted —— The confining the Indians within certain limits, and in that part of the Territory least objectionable —— This being accomplished it is indispensable for the benefit of the Indians; as well as the future security of Florida that all intercourse with foreign countries or Individuals exercising an influence over them be cut off, and that an exclusive control be obtained and maintained by the American Government—This is only to be effected by the immediate establishment of Military posts at the Bay of Tampa, Charlotts Harbor, and at some other point near Cape Florida on the Eastern Coast, with such other salutary laws regulating the Trade with them as your own sound judgement may dictate——It is scarcely necesary to state to you that a Majority of the Indians now inhabiting the Territory of Florida and included as parties to the treaty just effected, are wanderers, if not Refugees from the Southern Indians——Many of them are of the old Red Stick party whose feelings of hostility have only been suppressed not eradicated, and even the native Seminoles have ever been of a most erratic disposition——These Indians are now scattered over the whole face of Florida, but a small portion of their having any settled residence; a majority wandering about for such a precarious subsistence as the esculent roots of the woods, or the misfortunes of our navigators on the Florida keys may afford.——

To bring together these discordant and fermenting materials; to embody such a population within prescribed limits, and to conquer their erratic habits will require in

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ren, unhealthy region, and Gadsden asked for instructions.[a] Calhoun replied, "I agree with you as to the importance to the Territory of Florida of removing the Indians West of the Mississippi; but there are no lands which the Government can assign them in lieu of those they may abandon, as all the public lands in that direction, that could be so disposed of, are occupied either by the Cherokees or Choctaws. The Government is, however, willing to encourage the removal of the Florida Indians as far as it can, and if all, or any part of them should be disposed to emigrate, and join the Cherokees or Choctaws, or any other tribe farther west that may be willing to receive them, you are authorized to include a stipulation in the proposed treaty on the subject, allowing them, in the event of their emigration, what may be deemed by the Commissioners a fair consideration for the lands relinquished by them in Florida, and agreeing on the part of the United States to pay the expenses attending their removal."[b]

The Indians preferred to stay in their own peninsula; and, irrespective of the small individual reservations for the chiefs of the Appalachicola, were assigned a strip of territory, (at no point less than 15 miles from the coast)[c] running in a northwestwardly direction from Lake Okeechobee to the neighborhood of the Withlacoochee River, with the provision that the northern boundary should be extended until a sufficiency of "good tillable land" had been obtained.[d] In

some degree the exercise of authority, with the presence of a military establishment adequate to enforce it —— These Posts therefore, in our opinion, should be established before the boundary line is run and marked —— Such a military disposition of an adequate force would produce an impression upon the Indians most favourable to an immediate concentration within the limits allotted ——

The Military establishments recommended from the protection they would afford, will further induce an early settlement of the country now open to the enterprise of emigrants: the presence of which population will assist materially in forcing the Indians within the limits allotted them & obtaining that control so much desired.

As an act of justice to L. Ripley who commanded the detachment of Troops on the Treaty ground; & of L. H. Brown the Asst. Commissary of Subsistence we most cheerfully testify to the zealous, active & faithful discharge of the various duties assigned them.

Col. Humphreys Indian Agent, & Mr. Richards the Interpreter likewise rendered us essential services during the complicated difficulties we had to encounter—In assembling and marching the Western Indians through a wilderness of 250 miles in extent to the Treaty ground, they have been exposed to privations & expenses giving them strong claims on the Department of War for extra compensation; the equitable adjustment of which is submitted to your consideration by

Your most obt. Servants,

WM. P. DUVAL.
JAMES GADSDEN.
BERNARD SEGUI.

The Honb.
J. C. CALHOUN, *Sec. of War.*

[a] Gadsden to Calhoun, June 11, 1823, "Miscellaneous Files," Indian Office MS. Records.

[b] Calhoun to Gadsden, June 30, 1823, "Indian Office Letter Books," Series I, E, p. 458; American State Papers, "Indian Affairs," II : 434–435.

[c] Gadsden to Calhoun, September 21, 1823, "Miscellaneous Files," Indian Office MS. Records; William P. Duval to Calhoun, September 26, 1823, "Treaty Files," 1802–1853, Indian Office MS. Records.

[d] The account of the two successive extensions of this line belongs to the story of the Florida Indian sufferings and will come later.

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November, Monroe commissioned Gadsden to run the lines, in December, the Senate ratified the treaty, and in May, following, Congress appropriated [a] various sums to carry it into effect.[b]

While the Florida Indians were being collected in readiness for transportation, the War Department reopened negotiations with the Creeks under the appropriation act of May 26, 1824; and as the treaty which our old friends, Duncan G. Campbell and James Meriwether, were now about to frame is the one that precipitated J. Q. Adams's famous controversy with Governor Troup, it behooves us to preface an account of it with a few remarks concerning the situation of the Creek community, not forgetting to bear in mind the way in which Indian affairs often became, to the detriment of the Indians, mixed up with local and even with national politics.[c]

At the time when their history becomes most interesting to us the Creek towns numbered fifty-six and were divided, not politically, but geographically, into the Upper of Georgia and the Lower of Alabama. As near as can be made out, Little Prince was their great chief, the king, so to speak, of the Creek Nation, with Big Warrior as a close second. William McIntosh, the leading actor in the coming drama, was not a head chief at all, but a chief fifth in rank, yet he seems to have been the recognized leader of the lower towns. He was a half-breed of Scotch extraction, a cousin of Governor Troup, and a clever, capable man, shrewd and unscrupulous. He had served with distinction under General Jackson in both the Creek and Seminole wars, and was generally known for his friendliness toward the whites. Big Warrior represented more nearly a Creek of the olden time. He

[a] 4 United States Statutes at Large, 37.

[b] Duval complained that the amount was not large enough, and it certainly was not; but the Government had had so much experience with him in the overcharging of his accounts as superintendent of Indian affairs in Florida that it might well hesitate to place too much reliance upon any estimate that he might furnish. As it was, his method of disbursing the money, after it had been appropriated, will scarcely bear investigation. His ration contract was a disgraceful affair, and there is some suspicion that he appropriated to himself the $500 which he pretended to have paid Enehe-Mathlá, and which was due to Enehe-Mathlá under the additional article of the treaty of Camp Moultrie.

[c] The appointment and subsequent removal of D. B. Mitchell is a case in point. When Colonel Hawkins died, the Government tendered the position of Creek agent to Gen. David Meriwether; but before he could accept it it was conferred upon D. B. Mitchell, who resigned the governorship of Georgia in order to assume the new duties. Just what influenced his action it is difficult to say. Jackson always claimed that it was the $85,000 Creek indemnity which was then being considered in Congress and of which W. H. Crawford, Secretary of the Treasury and Mitchell's friend, would have the disposal. In 1821, through the instrumentality of Jackson and his friends, the Creek agent was removed, it having been charged, and to the satisfaction of Monroe proved, that he had been engaged in smuggling Africans from across the Florida line, for which nefarious purpose he had made use of the Creek indemnity. His successor was Col. John Crowell, a former Congressional representative from Alabama and a man whose quarrel with the Methodist missionary, Rev. William Capers, (Harden's "Troup," pp. 249–251), and indiscreet affiliations with the Clarke, or anti-Troup faction, greatly complicated the Creek troubles. Another cause of dissatisfaction, on the part of the Georgians, with Crowell's administration as Creek agent was the tacit permission which he gave to his own relatives to trade unlawfully in the Creek country. This was supposed to influence his attitude toward the proposed diminution of Indian territory.

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was the recognized chief of the Red Sticks and, in saying that, we have told all, for the Red Sticks were the "Hostiles," those who resented and had already tried to resist the encroachments of the civilized settlements. In character Big Warrior was supposed to be a wily and treacherous savage, but that was from an American point of view. Little Prince was a different man from either of the others, neither actively friendly nor actively hostile toward the United States. He did what he could, by peaceful and political measures, to prevent friction; then, failing, yielded to the inevitable.

Such were the men with whom Campbell and Meriwether had to deal when they started out in 1824 to negotiate a new Creek cession. Anticipating their coming, some of the Creek chiefs determined upon a bold step, encouraged thereto by the Cherokees. On the 25th of May they met at their capital town, Tuckaubatchee, and passed a resolution [a] (in effect a law of the nation, because done in general council and signed by Little Prince) that they would neither sell nor exchange another foot of land. Toward the end of September, Agent Crowell notified the Creeks [b] that the United States commissioners would expect to meet with them at Broken Arrow, the national council square, some time in the near future, preferably the 25th of November;[c] and, on the 29th of October,[d] the chiefs met at Pole Cat Spring to discuss the matter. The result was an announcement to the world of the decision reached at Tuckaubatchee five months before. Thus fortified they awaited the conference.

Since receiving their instructions in July, the commissioners had been making preparations for a large meeting, Crowell having informed them that they might expect some five thousand Indians to attend.[e] Campbell, at least, was sanguine of success; for, while conferring with the Cherokees, he had found out that the Creeks were

[a] "* * * on a deep and solemn reflection, we have, with one voice, [resolved] to follow the pattern of the Cherokees, and on no account whatever will we consent to sell one foot of our land, neither by exchange or otherwise." Signed by Little Prince, Big Warrior, Hohi Hajo, Abeco Tustenugga, Yahole Mico, Mad Wolf, Tustenugga Mallo, Tuskenaha, George Anson, Fooshache Fixeco, Powes Hajo, Mad Town, Young King, Jahaha Halo, (Article taken from "Montgomery Republican," and printed in Niles' "Register," December 4, 1824, XXVII: 223.

[b] Crowell to Campbell, September 27, 1824, "Journal of Proceedings at Broken Arrow," in "Indian Office MS. Records."

[c] The 25th of November was the date decided upon by Crowell and the commissioners; but the Indians preferred the 6th of December. That date interfered with Campbell's arrangements so it was changed finally to the 1st of December. (Crowell to Campbell, September 27, 1824, and Campbell to Crowell, October 13, 1824, in "Journal of Proceedings at Broken Arrow.")

[d] At this meeting the chiefs revoked any authority heretofore given to any individual to dispose of Creek land and decided that this notice should be published in some United States newspaper "so that it may be known to the world that the *Creek people are not disposed to sell one foot more of their lands.*" Signed by Little Prince, Big Warrior, Hohi Hajo, Tomma Tustenugga, What-a-Mico, Poeth-la-Halo, Tuskenaha Tustenugga Hajo, Mad Wolf, Foshatchee Fixico, Mico Pico, Tuskéga Tustenugga, Alec Hajo, Soakate Mala, Talase Tustenugga, Young King, Wm. McGilvery, Charles Cornells. (Niles' "Register," Vol. XXVII: pp. 223–224.)

[e] Crowell to Campbell, September 20, 1824, "Journal of Proceedings at Broken Arrow."

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divided among themselves on the question of a cession. He had not yet heard of the action taken at Tuckaubatchee. With Crowell he was on the best of terms, the two having been political supporters of Matthew Talbot as against Troup in the last gubernatorial contest. So little were they at variance, indeed, that Campbell was able to report to Calhoun, the 8th of August, "The Agent is intelligent and communicative and I am certain will afford us all the facilities within his control." [a]

The same difficulty of having no lands to the westward available for exchange, as was felt in the case of the Florida Indians, now confronted the Administration in dealing with the Creeks.[b] Nevertheless, in their "talk," after the organization of the treaty council, the commissioners assured the Indians that the President had extensive tracts of country under his dominion beyond the Mississippi which he was willing to give them in exchange for the country they were then occupying, removal being with him a first consideration because of the Georgia compact.[c] In reply four chiefs, Little Prince, Poethleyoholo, William McIntosh, and Hossay Hadjo, signed their names to an address, in which they said:

"The agreement between our Father, the President of the United States, and our Brothers of Georgia we have never before this time been acquainted with; nor are we now convinced that any agreement between the United States and the state of Georgia will have the effect of alienating the affections of a just Parent from a part of his children, or aggrandising the one by the downfall and ruin of the other. That ruin is the almost inevitable consequence of a removal beyond the Mississippi, we are convinced. It is true, very true, that 'we are surrounded by white people,' that there are encroachments made—what assurances have we that similar ones will not be made on us, should we deem it proper to accept your offer, and remove beyond the Mississippi; and how do we know that we would not be encroaching on the people of other nations?" [d]

In spite of the reluctance to a cession manifested in this, the first recorded Indian "talk" of the conference, and of the positive refusal in the decision of Tuckaubatchee and of Pole Cat Spring, which had come to their notice prior to their arrival at Broken Arrow on the 30th of November, the commissioners continued to press their demands, drawing freely from other negotiations and inaccurately from history to strengthen the unwelcome arguments. Their final threat was, "Brothers, we plainly see and we know it

[a] "Journal of Proceedings at Broken Arrow."
[b] Calhoun to Campbell, September 13, 1824, "Indian Office Letter Books," Series II, No. 1, p. 195.
[c] Talk, December 7, 1824, "Journal of Proceedings."
[d] Talk, December 8, 1824, "Journal of Proceedings."

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to be true from the talks of the President, the Secretary of War, the Governor of Georgia, the Georgia Delegation in Congress, and the Legislature of Georgia for years past, that one of two things must be done, you must come under the laws of the whites or you must remove."[a] Finding all their efforts useless, they employed men to interview the chiefs privately,[b] but all propositions were indignantly rejected except those offered to McIntosh, and even he dared not close with an offer on the treaty ground. The commissioners therefore made a night excursion up the river to Coweta Town and there conferred with lesser chiefs of the McIntosh following.[c] Ere long Little Prince and Big Warrior suspected that all was not right and deprived McIntosh of his office as speaker of the Creek Nation. The disgrace determined his action. At all events, because of that and of covert threats against his life, he left Broken Arrow secretly, and the next we hear of him it is as the betrayer of his country.

The earliest intimation of any distrust felt by the commissioners of hearty cooperation on the part of Federal officials was in connection with the sub-agent, Captain William Walker, recorded by the journal entry for December 13. There we learn that it had just come to the knowledge of the commissioners that Walker, who was, by the way, a son-in-law of Big Warrior, had acted as secretary at the Tuckaubatchee and Pole Cat meetings. About the same time the commissioners received an express from the governor of Georgia inquiring particularly as to the conduct of Colonel Crowell. Evidently Troup would have been glad, for political reasons, to find some cause for complaint against the man whose removal he had requested a twelvemonth before; but the commissioners had none to make—not even though the agent had, at the outset, informed them verbally that he would not risk losing the confidence of the Creeks and so imperilling future negotiations by trying to persuade them against their better judgment. He would leave the whole business to the commissioners and would do nothing against them.

On the 14th of December, the commissioners, seeing that they were making no progress at all, proposed in council that the balance of the negotiations should be conducted by a select number of chiefs, and that they should adjourn from the square to a comfortable and convenient room. They were met by a flat refusal.[d] Four more days passed away in profitless speech-making, with Crowell neutral, the example of the Cherokees influential, the upper Creeks obstinate, and the commissioners exasperated. Clearly it was a waste of time and money to continue the negotiations. They were there-

[a] "Journal of Proceedings."
[b] "Crowell's Defense," Indian Office MS. Records.
[c] Commissioners to Troup, December 14, 1824, "Crowell's Defense," Indian Office MS. Records.
[d] "Journal of Proceedings."

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fore suspended, subject to further instructions from Washington, whither Campbell straightway repaired, a letter from Troup in his wake notifying the President that "a treaty can be immediately signed upon the conditions which will be disclosed by the commissioners."[a]

On the 8th of January, Campbell submitted to the War Department his complaint and his suggestion.[b] After giving various prudential reasons why the commissioners had not seen fit to conclude a contract with the McIntosh party alone, he requested "the authority of the Executive * * * to convene the chiefs within the limits of Georgia; to negotiate with them exclusively, if we think proper, or inclusive of a deputation of chiefs from the upper towns, if such deputation should present themselves and evince a disposition to negotiate to further extent * * * ." The request was refused. On the 11th Campbell wrote again to inquire whether negotiations for a cession and removal might be resumed with the entire tribe; and, only in the event of a second failure, continued and concluded with the Georgia chiefs, subject to the assent of the others that the land vacated by the emigrants should be placed immediately at the disposal of the Government.[c] Again he was told that the President could authorize no treaty with the Creeks unless it were made "in the usual form, and upon the ordinary principles with which Treaties, are held with Indian tribes * * * ."[d]

Though so uncompromising in this particular, in other respects the Administration showed itself very ready to comply with the wishes of Campbell. Regardless of the intercession of General Jackson,[e] Walker was summarily dismissed on the plea that he had used his influence to defeat "the successful termination of the treaty,"[f] the specific charge being "that he penned the publication of the Creek chiefs at Tokaubatche and the Pole-cat Springs; and that their meeting at the latter was at his house, and with his sanction and countenance * * * ."[g] Crowell was reprimanded for neglect of duty and ordered to cooperate in the future, whether he would or no, with the United States commissioners.[h] This was not all. Calhoun so far played into the hands of Campbell that he conferred upon him discretionary power to change the location of the treaty ground, and it was changed, most significantly, from Broken Arrow, in Alabama, to Indian Springs, in Georgia.

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[a] December 23, 1824, "Miscellaneous Files," Indian Office MS. Records.
[b] American State Papers, "Indian Affairs," II: 574.
[c] American State Papers, "Indian Affairs," II: 575.
[d] Calhoun to Campbell, January 18, 1825, "Indian Office Letter Books," Series II, No. 1, pp. 309–310.
[e] "Indian Office Letter Books," Series II, No. 1, p. 375.
[f] Ibid., p. 298.
[g] Ibid., p. 300.
[h] Ibid., p. 310.

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The Creeks were summoned to appear at the new treaty ground on the 7th of February.[a] Little Prince and Big Warrior refused to come themselves, but sent Poethleyoholo of Tuckaubatchee to act as their representative. Apparently his duty was to declare the present meeting unlawful, inasmuch as the McIntosh party, there predominating, had absolutely no authority to negotiate a cession, and to invite the commissioners to return three months hence to the National Council Square at Broken Arrow.[b] Campbell, however, was determined to complete the business then and there and warned Poethleyoholo that if he and his people departed the treaty ground, as they had threatened, he should consider himself fully authorized to conclude a cession with those that remained.

Resort was had during the progress of the negotiations to the same underhand practices as had distinguished the proceedings at Broken Arrow. Campbell's brother-in-law, Colonel Williamson, seems to have been an advance agent employed to accomplish by bribery what the commissioners might possibly fail to do by treaty. On one occasion, in an endeavor to win over Interpreter Hambly (the individual who had figured so disreputably in the Seminole troubles, first as a friend of the British, then as an American spy), he boasted that he had been promised the disbursement of the Creek removal funds and would share the profits with Hambly if he would lend the commissioners his support.[c]

Under such circumstances we should scarcely expect to find that the treaty, finally negotiated, was the result of fair and square dealing. In an incomplete form,[d] it was interpreted to the council on the 12th of February and signed by the McIntosh party, certainly not by the dissenters; for very few of them were then in Indian Springs, the Cussetas and Soowagaloos having left secretly the night before. Poethleyoholo was still there, however, and is reported to have said to McIntosh, as he was in the act of affixing his name, "My Friend, you are now about to sell your country; I now warn you of the danger." When all was done, Crowell, true to his promise of cooperation,[e] signed as a witness and then prepared a formal protest

[a] Campbell to Crowell, January 12, 1825, American State Papers, "Indian Affairs" II: 576.

[b] "Journal of Proceedings," February 11, 1825, American State Papers, "Indian Affairs," II: 582.

[c] "Crowell's Defense," Indian Office MS. Records.

[d] Later investigations divulged that the fifth article was surreptitious. It provided for the distribution, "by the commissioners," of $200,000 of the purchase money, reputed to have been an arrangement "at the particular request" of the Indians, yet was never read or interpreted to them in council." (Crowell's Defense.) The "additional article" was not presented to the assembly until the 14th of February, and was then signed "by all the principal chiefs present." As the commissioners recorded in their journal, it affected McIntosh only. It was probably the price of his treachery since, of the two reservations for which it provided he should be compensated, one did not belong to him and the other was not worth one-fifth of the amount stipulated.

[e] Crowell to the Commissioners, February 7, 1825, "Journal of Proceedings."

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to the War Department,[a] alleging that the whole proceeding of the commissioners had been contrary to the letter and to the spirit of their instructions. Although knowing this and knowing too that he had grossly misrepresented facts all along, Campbell was able to write with a clear conscience that a treaty had been concluded "with the Creek Nation Indians,"[b] and again that "the attendance of chiefs was a full one, much more so than is usual when chiefs only are invited." His report to Governor Troup, February 13, 1825, was more in harmony with the facts in the case; for the assembly at Indian Springs might be what he "considered" the Creek Nation, but that certainly did not make it so. As a matter of fact, very few of the men present were chiefs, none of them were chiefs of first rank, while the representative of Little Prince and Big Warrior was a dissenter. Of the signers, McIntosh and possibly two others were the only chiefs in good standing, the rest were "underling chiefs, broken chiefs, and boys."[c]

The intense interest in Indian removal, which had revealed itself during the last few years, coupled with the consciousness that individual applications of the policy were an excitement to sectional jealousy and a ruinous expense, led Monroe to hesitate no longer in urging officially a general colonization west of the Mississippi. In his eighth annual message, therefore, he advised the adoption "of some well-digested plan" which would, while relieving the States and Territories, not be prejudicial to Indian interests.[d] Reprobating the idea of coercion, he proposed that, after the Government had extinguished the indigenous title, the eastern tribes should be invited to occupy by districts the country lying east of the Rocky Mountains. There they were not to be abandoned to their own devices, but each district was to be provided with schools and with a regular civil administration.

A week later, in the Senate, the Committee on Indian Affairs called for information respecting the number of possible emigrants and an estimate of the expense.[e] In the House, while the same proposal was being considered in committee, a resolution offered by Conway, the Delegate from Arkansas, was adopted, providing, "That the Com-

[a] Crowell to Calhoun, February 13, 1825, "Miscellaneous Files," Indian Office MS. Records.

[b] Campbell to Calhoun, February 16, 1825, "Miscellaneous Files," Indian Office MS. Records.

[c] In partial verification of this, note McKenney's report to President Adams, June 23, 1825, of which the following is an extract: "* * * It appears * * * that all those [presumably chiefs and headmen] who receipted for the annuity of 1824 are subscribers to one 'or other of the Treaties of 1814, 1818, and 1821, except one Pothleolo); and only one (McIntosh') subscribed the late Treaty of the Indian Springs. * * *" "Indian Office Letter Books," Series II, No. 2, pp. 59–60.

[d] Richardson, II: 261.

[e] Benton to Calhoun, December 15, 1824, "Miscellaneous Files," Indian Office MS. Records.

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mittee on Indian affairs be instructed to inquire into the expediency of organizing all the territories of the United States lying west of the State of Missouri and territories of Arkansas and Michigan" into an Indian Territory and of authorizing the President to adopt, at discretion, measures for colonizing all the tribes there.[a] An unexpected criticism of any such plan came from Smyth, of Virginia. In order to prevent a constant drain upon "the flower" of the eastern population, he was quite willing to limit the number of States west of the Mississippi to two tiers and to give "the Indians an unchangeable boundary beyond;" but remarked that, though the Government formed there might continue under the protection of the United States," it could not be admitted "as a part of the Confederacy."[b]

When sending in a special message on the 27th of January for a new appropriation to extinguish Indian titles, Monroe, encouraged by the friendly attitude of Congress toward his earlier proposal, took occasion to outline more fully a plan for general removal, not, however, disguising the truth that rising troubles over the Georgia compact had spurred, if not necessitated, his action.[c] In the Senate the plan was adopted by the Indian Committee "unanimously" and application made to Calhoun to draft a bill in conformity with it.[d] He did[e] so, but on the supposition that the committee had equally approved of his report which had accompanied the President's message and had provided for a rather peculiar distribution of the emigrant tribes.[f]

Calhoun's report of January 24, 1825, raises a question as to his own motive for advocating Indian removal. It will be noted that it was in contemplation to give the Indians a guaranty of perpetual possession in the new land, a thing which might mean much or little. Some of the tribes had had guaranties before, and they had meant nothing. The problem of the future would be whether one Congress, having no authority to bind its successors, could give a better pledge of security than the treaty-making power, acting under a questionable prerogative. Supposing, however, that that difficulty did not present itself to Calhoun, or, if it did, was dismissed with the reflection that an Indian guaranty might be at least as binding as the Missouri Compromise, the question remains, What was his motive? Did he, as the abolitionists claimed, plan to give the Indians a perpetual prop-

[a] "Niles' Register," XXVII: 271.

[b] Benton's "Abridgment of Debates in Congress," VIII: 211.

[c] Richardson, II: 280–283; American State Papers, "Indian Affairs," II: 541–542.

[d] Benton to Calhoun, January 28, 1825, "Miscellaneous Files," Indian Office MS. Records.

[e] Calhoun to Benton, January 31, 1825, "Indian Office Letter Books," Series II, No. 1, p. 334.

[f] "Gales and Seaton's Register," I, Appendix, pp. 57–59; American State Papers, "Indian Affairs," II: 542–544.

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erty right west of Missouri and west of Lake Michigan, in order to block free-State expansion north of the interdicted line of 1820? The evidence points strongly to an opposite conclusion, or at least to an incrimination of others besides Calhoun; for, as we have seen, since 1815 there had been vague projects for converting the present State of Wisconsin into an Indian Territory. Doctor Morse specifically recommended it in 1820, and some of the New York Indians had already emigrated there. It was, therefore, not strange that the country west of Lake Michigan should have been included in Calhoun's plan. Indeed, the resolution of Conway had specifically embraced it. Moreover, years afterwards, on an occasion when there was really no object in misrepresentation, Calhoun referred[a] to the subject as though to ascribe the honor of it exclusively to Monroe. A good explanation for the introducing of the phrase, "west of the State of Missouri and Territory of Arkansas," is found in the vigorous protests made of late years by western people against a policy of relieving the older communities at the expense of the newer. It is hardly likely that it came from any conscious reference to the Missouri Compromise, especially as the slave belt west of Arkansas was to be a part of the Indian Territory.

On Washington's birthday Calhoun's bill, "for the preservation and civilization of the Indian tribes," was debated by the Senate in Committee of the Whole and ordered engrossed for a third reading.[b] It was passed on the 23d and sent to the House, but there pressure of business, as once before, must have prevented consideration. Independent action by the House on Monroe's proposal was effectually blocked by Forsyth's determination not to let the great plan of removing all the Indians retard the performance of obligations due to Georgia alone.

[a] Speech on the Oregon bill, Senate, January 24, 1843. Crallé, IV: 246.
[b] Gales and Seaton's Register, I: 639–645.

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Chapter VII.

J. Q. ADAMS AND INDIAN REMOVAL.

The election of J. Q. Adams was inauspicious for Indian removal, but not because his Administration introduced any radical change in policy; quite the contrary, inasmuch as the continuity of attitude was preserved throughout. The trouble was, local prejudices of one kind or another were, for four long years, enlisted on the side of the Opposition to defeat by procrastination any measure that the President might ardently desire. Some commentators have it, that he desired Indian removal only as a bid for popular support, and that, in the very nature of things, it was impossible for a New Englander to advocate it for its own sake—but that is immaterial to us. We are for the moment not so much concerned with motives as with facts, and it suffices us to know that Adams took up the work where Monroe laid it down and carried it on unflinchingly along the lines of no coercion.

Many of the disastrous events of the Tenth Presidential Administration, for instance, the Creek controversy, were precipitated at its birth and might have happened even if a more tactful man than J. Q. Adams had become the Chief Magistrate. The reception of the Indian Springs treaty in the Senate was not marked by any indication of the frauds that had attended its negotiation, although it was generally known that the Alabama Creeks had not consented to it.[a] For weeks past all Forsyth's remarks in the House had been directed toward the drawing out of an opinion approbative of treaty making with a part of a tribe, and a close observer would have concluded that his object was to forestall any criticism that might come up against Campbell and Meriwether; possibly also to prepare the War Department for a similar negotiation with the Cherokees. Moreover, Crowell's protest was on file in the Indian Office, and Crowell himself was in Washington informing Monroe and Calhoun of all that had passed. The Georgians were anxious to get the treaty in and ratified before the Eighteenth Congress adjourned,[b] but they were not quite able to manage it. It was transmitted to the Senate on the 3d of March and hastily advised and consented to.[c] President Adams pro-

[a] J. Q. Adams's Diary, May 20, 1825.

[b] Major Andrews's Report, August 1, 1825, Indian Office MS. Records.

[c] The Senate vote on ratification stood 38 in favor and 4 (Barton of Missouri, Branch of North Carolina, Chandler of Maine, and De Wolf of Rhode Island) against. (Harden's "Troup," p. 263, note). It is interesting to observe Barbour's name among those consenting.

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claimed it on the 7th, without inquiring, perhaps out of courtesy to his predecessor, too closely into its history. The inaction was a compromise with fate, but was not long to last. Events were already happening in the South destined to force an investigation, and it came.

Included among the documents that accompanied Campbell's draft of the treaty to Washington was one bearing date January 25, 1825,[a] which ought to have convinced the Administration that all was not well in the Creek country. It was the appeal of the McIntosh party for protection. Notwithstanding, the negotiations proceeded to a finish. Then came the news of ratification and with it "sorrow and consternation" to the Upper Creeks. All along they had hoped that the President would interpose in their behalf to defeat the ends of McIntosh and Georgia. Thrown back now upon their own resources, there was nothing for them to do but to resort to desperate measures; so, after announcing that as they had sold no land, they would accept none of the money, they prepared to execute a law of their nation, prescribing capital punishment for anyone who should propose a cession in defiance of the national will.[b] So critical was the situation that before the end of March the newspapers of the country declared a Creek civil war in prospect.[c]

About this time, when it was so necessary to advance cautiously, Governor Troup developed an interest in State surveys. It first manifested itself in a request for the Federal Government to cooperate in the running of the Alabama line,[d] a thing impossible to do without disturbing the Creeks; but the President was discreet enough not to offer that as an excuse for refusal. He preferred rather to remark, as Monroe did the year before, that the running of an interstate line was not a Federal, but an interstate affair.[e] Shortly afterwards Troup made a similar request with regard to the Florida line [f] and was told that, while the same objections did not hold as in the case of Alabama, it could not be granted because there was no appropriation for it. These incidents were not calculated to increase the growth of friendly feeling between the United States and Georgia, rather the reverse.

In the meantime the governor, his interest in surveys undiminished, revolved in his own mind a plan for shortening the process of bring-

[a] American State Papers, "Indian Affairs," II: 579.

[b] The law was passed in a Creek council at Broken Arrow, July, 1824. Little Prince spoke of it as the law of the nation, and at ball play in August, 1824, General McIntosh proclaimed it before the assemblage. (Niles's Register, XXVIII: 333.)

[c] Niles's Register, XXVIII: 49.

[d] Letter, March 31, 1825.

[e] Barbour to Troup, April 26, 1825, "Indian Office Letter Books," Series II, No. 1, p. 467.

[f] Letter, April 13, 1825, transmitting a resolution of the Georgia legislature to the same effect.

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ing the Creek ceded lands into the market. Election day was approaching and no better plan could be devised for winning votes than a display of interest in the concerns of settlers. The eighth article of the treaty of Indian Springs was as follows:[a] "Whereas the said emigrating party cannot prepare for immediate removal, the United States stipulate, for their protection against the incroachments, hostilities, and impositions of the whites, and of all others; but the period of removal shall not extend beyond the first day of September, in the year eighteen hundred and twenty-six." In consequence of this provision, Georgia was debarred from immediate entry, and so Troup had admitted in his proclamation of March 21, 1825.[b] It was not long, however, before it occurred to him that a survey did not come within the implied prohibition, particularly if the Indians were a consenting party to it; and to obtain that consent he opened up a correspondence with McIntosh. The general was a little afraid at first, and said he would be willing if the agent were.[c] Finally, on the 25th of April, he gave his unconditional consent.[d] It was the signal for his own destruction. On the 30th the enraged warriors of the opposing party surrounded his house at break of day and, as an act of penal justice, shot him down in cold blood.[e] A similar vengeance overtook Samuel Hawkins and Tustunnuggee Tomme.[f]

Here was the opportunity for which Governor Troup had so long waited. Insinuations against Agent Crowell—working, from a fear

[a] 7 United States Statutes at Large, p. 238.

[b] "Miscellaneous Files," Indian Office MS. Records.

[c] McIntosh to Troup, April 12, 1825, Harden's "Troop," p. 273.

[d] McIntosh to Troup, April 25, 1825, Harden's "Troup," p. 276.

[e] Niles's Register, XXVIII : 212; Letter of Col. A. J. Pickett of Alabama, descriptive of the murders; White's "Historical Collections of Georgia," pp. 170–173.

[f] Perhaps retribution would be a more fitting word to use. These men were all cognizant of the law against a further cession, cognizant also of the punishment that was to be meted out to violators of it. Crowell, in his defense to the War Department, submits the testimony of a man named Joel Bailey, who was authorized to offer $40,000 to McIntosh for his signature to the fraudulent treaty, $25,000 of it to figure as the price of the two reservations and $15,000 to be bona fide hush money, the price of his trouble. McIntosh accepted the proposition, but only on condition that he be permitted to affix his signature in his own house and not in the national square, because "he would be put to death on account of the law." The commissioners refused to agree to the change. Other affidavits testified to McIntosh's full realization of the enormity of his offense and of the inevitable consequences. His motive may have been even lower than is usually supposed, for in a burst of anger he told Nimrod Doyle that he intended to sell his country out of revenge for having been "broken as Speaker." (Crowell's Defense, Indian Office Manuscript Records.) Scarcely was the deed done before fear must have made him repent it. On the 17th of February and again on the 19th some of his fellow-conspirators conferred with Troup and begged assurance of protection should an outbreak occur. On the 20th they informed the governor of the extreme danger surrounding his cousin, and forthwith Col. Henry G. Lamar was dispatched to the Creek country with a message, threatening retaliation should any harm be done the fugitive. (Harden's "Troup" pp. 264–269.) The "hostile" Creeks seemed generally suspicious of the Georgians (Lamar's Report, March 10, 1825, Harden's "Troup" pp. 268–269), but certainly they were not to be intimidated. The danger continued as great as ever, and Chilly McIntosh personally pleaded, March 3, 1825, with his father's cousin for that father's safety. Troup promised aid, and yet, before the month was out, entered upon another project (the gaining of General McIntosh's consent to a survey of the ceded lands) which was to precipitate his relative's death, the long-deferred execution of a sentence of legal justice.

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that he would retard [a] the emigration of the Creeks, for his removal—could now be resolved into implications of connivance at and instigation to murder; and the duty of setting them forth as charges before the War Department was intrusted to Chilly McIntosh, who was about to go to Washington to describe the circumstances of his father's death. Impressed by the report, Barbour ordered the suspension of the agent,[b] but held back the letter upon the receipt of news from the accused man that the real cause of trouble was Troup's determination to survey the ceded lands before the time permitted by the treaty.[c] Justice demanded an investigation, and a special officer, Maj. Timothy Andrews, was appointed to make it. His orders were explicit. With discretionary power to suspend the agent should the facts warrant it, he was to repair to the Creek Agency and, "after inquiring into the charges and applying to Governor Troup for specifications and evidence, hear and report upon Crowell's defence."[d] At the same time General Gaines was detailed for guard duty in Georgia, since, despite the assurance from the Creeks that the white people had nothing to fear,[e] Troup was ordering out the State militia for the protection of the frontier.[f]

In the interval, for reasons cited in the executive message of May 23, 1825,[g] the Georgia legislature was convened in extra session, and a joint committee of its members, with Lumpkin at their head,[h] ap-

[a] Troup to the Georgia Congressmen, February 15 and 17, 1825, "Crowell's Defence."

[b] Barbour to Crowell, May 17, 1825, "Indian Office Letter Books," Series II, No. 2, p. 13.

[c] Barbour to Troup, May 18, 1825, "Indian Office Letter Books," Series II, No. 2, p. 15.

[d] Barbour to Andrews, May 19, 1825, "Indian Office Letter Books," Series II, No. 2, p. 18.

[e] Niles's Register, XXVIII: 196.

[f] Troup chose to regard the slaying of McIntosh and of his two followers, really the enforcement of an article of Creek internal police, as an act of hostility against the United States and requested (letter, May 3, 1825) President Adams to order troops to the spot for the chastisement of the non-treaty party. His ungovernable temper displayed itself in all his correspondence of the time. On the 3d of May, 1825, he wrote to Joseph Marshall, "My revenge I will have. It will be such as we have reason to believe the Great Spirit will require! Such as our Christ would not think too much!!" ("Examination of the Controversy between Georgia and the Creeks"), and on the 7th of June, 1825, to General Ware, "I sincerely trust, if these infuriated monsters shall have the temerity to set foot within our settled limits, you may have the opportunity to give them the bayonet freely, the instrument which they most dread and which is most appropriate to the occasion * * *" ("Georgia Journal," June 7, 1825). Meanwhile, the Creeks showed little concern for all this bluster. They were "confiding in the benevolence and justice" of the United States Government. (Letter from Mr. Compere, resident missionary in the Creek Nation, to the editors of the "Southern Intelligencer," May 10, 1825.)

[g] "Niles's Register," XXVIII: 238–40.

[h] Wilson Lumpkin was also chairman of the select committee appointed by the House to inquire, with special reference to the grievance of colonizing blacks, into the disposition, evinced of late by the Federal Government "to interfere improperly" in Georgian affairs. The report ("Niles's Register," XXVIII: 271) of the committee, indorsing the spirit of Troup's message, was decidedly rebellious in tone and excited, as did the attitude of Georgia and her governor generally, much comment abroad. ("Niles's Register," XXIX: 18, 53, 97.) The neglect of the Georgia house to call up Lumpkin's report may rightfully be regarded, as it was in Great Britain, as "a significant reproof" of Troup's conduct. ("Liverpool Advertiser," August 9, 1825.)

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pointed to substantiate the suspicions against Crowell. Their procedure was altogether ex parte. Nevertheless, the governor seems to have held [a] their findings as equivalent [b] to the presentment of a true bill by a grand jury,[c] and, when Andrews arrived, demanded the immediate execution of the sentence of suspension.[d] Out of courtesy to the Georgian authorities, Andrews complied, but reluctantly, and when, in an open letter,[e] he notified the agent of what he had done, intimated that he was satisfied in his own mind that Crowell was the victim of gross calumny. Naturally enough, this letter and its manner of publication aroused the ire of Governor Troup, who, without more ado, ordered Andrews to consider his relations with the State of Georgia at an end.[f] On the 4th of July, Andrews retorted, vindicating his own conduct by denouncing that of the State.[g] A quarrel so undignified could scarcely redound to the credit of either party, and its bitterness was soon to be intensified by the disclosures of General Gaines.

The frauds connected with the treaty of Indian Springs were not to end with its negotiation. With a view to obstructing whatever designs Colonel Campbell may have had for the disposition of the $200,000 of purchase money, Crowell wrote to the War Department on the 12th of March and was told that the President, with all due regard to the stipulations of the treaty, could see no reason why the funds should not be distributed as the annuities were; that is, through the medium of the chiefs.[h] The point at issue was adroitly dodged, for Crowell and Campbell differed materially in the connotation of the word "chief," and the Department ignored the fact. It went farther and ordered, in favor of Campbell and Meriwether, an immediate requisition upon the Treasury, instructing them simultaneously to apportion the money among the chiefs according to the annuity schedule which would be furnished by Colonel Crowell. The money, being intended for the whole Creek Nation as a recompense for a cession of land belonging to the nation, was not to be devoted exclusively to the McIntosh party, but doled out, irrespective of faction, whenever a chief should manifest his willingness to emigrate.[i]

[a] Report, June 10, 1825.

[b] Troup to Andrews, June 20, 1825, "American State Papers," "Indian Affairs," II: 804.

[c] In the United States circuit court for Milledgeville, the grand jury, at the May term, did bring in a presentment lodging suspicion against white men, names unmentioned, as the seducers of the Indians. ("Niles's Register," XXVIII: 196.)

[d] Troup to Andrews, June 14, 1825. American State Papers, "Indion Affairs," II: 803.

[e] Andrews to Crowell, June 21, 1825, American State Papers, "Indian Affairs," II: 852.

[f] Troup to Andrews, June 28, 1825, American State Papers, "Indian Affairs," II: 807.

[g] American State Papers," "Indian Affairs," II: 807.

[h] McKenney to Crowell, March 19, 1825, "Indian Office Letter Books," Series II, No. I, p. 420.

[i] Barbour to Campbell and Meriwether, March 22, 1825, "Indian Office Letter Books," Series II, No. I, pp. 420–421.

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When Gaines took up his station on the Georgia frontier, pursuant to the order of the 18th of May, he was instructed to apply to Campbell and Meriwether for the unexpended portion of this first installment.[a] He did so, but the money was not forthcoming. The reason for its detention came within the range of Major Andrews's investigations and appears to have been a prior investment in cotton and negro slaves.[b]

But to return to General Gaines, who, being sent into the Indian country "in a civil and military capacity, to investigate the causes of the disturbance—to remove the causes of discontent and to reconcile the contending parties"—came into direct contact with certain commissioners whom Governor Troup had appointed, under authority of the legislature, to collect evidence against the agent in Alabama and the Creek Nation.[c] These men were reputed to have been chosen with an eye single "to the qualifications of uprightness, integrity, and intelligence;"[d] but their actions greatly belied their character. On learning of their appointment, Colonel Crowell communicated with them, hoping to secure, by an exchange of favors, the privilege of cross-examining those witnesses testifying against him; but soon found out, to his dismay, that that was not their intention. Rumors indeed were rife that they had brought money with them with which to bribe witnesses.[e] Were that the case there was, of course, an explanation for reticence. General Gaines was intolerant of subterfuges and, when these same commissioners attempted to work upon the weaknesses of Indians with whom he had to deal, he bade them begone.[f] In this manner did he prepare to enter the same category with Andrews.

General Gaines's quarrel with Governor Troup dates, however, from his letter of the 10th of July[g] in which he inclosed a certificate, signed by William Marshall of the lower Creeks, testifying that the consent to a survey which Troup claimed to have received from General McIntosh was never agreed to in council. It is unnecessary for us to enter into the details of this dispute. It was both personal and political. Of greater moment was the effect produced by Gaines's information upon the War Department. Since the middle of May, President Adams had held several Cabinet conferences on the subject of the Creek controversy and had uniformly inclined to a just yet conciliatory policy.[h] Up to date, his aim has been to shift the

[a] Barbour to Campbell and Meriwether, May 18, 1825, "Indian Letter Books," Series II, No. 2, p. 17.
[b] "Major Andrews's Report," August 1, 1825, Indian Office MS. Records.
[c] Resolution, June 11, 1825.
[d] Message of Troup, November 26, 1825, "Niles's Register," XXIX: 203.
[e] "Major Andrews's Report," Indian Office MS. Records.
[f] "General Gaines's Report," "Miscellaneous Files," Indian Office MS. Records.
[g] American State Papers, "Indian Affairs," II: 800.
[h] "Diary," May 15, 17, 19, 20, 31; June 15.

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responsibility for a survey from the Federal Government to Georgia and by that means to deter Troup from making it. He now ordered it to be postponed, but was met with the rejoinder that, since the legislature had authorized it,[a] it should proceed. Soon came further disclosures from General Gaines, the burden of which was that forty-nine fiftieths of the Creek Nation were opposed to the treaty of Indian Springs. Thereupon the President forbade the survey and declared his intention of referring the whole matter to Congress.[b] Troup, in turn, waited for the legislature.[c]

The several disputes with Andrews, Gaines, Barbour, and Adams had been extensively used in Georgia as campaign material, consequently the reelection of the governor in October was interpreted by himself as a complete vindication of the course which he had pursued, and his message to the legislature was a triumphant expression of past and future policy, in which the doctrine of States Rights was the dominant note. Knowing that the President intended to impeach the treaty of Indian Springs, he courted a confession of faith in its validity, and received one.[d] He was then ready for any emergency that might arise.

Toward the end of November a delegation from the upper Creeks, four of whom lived within the limits of the ceded land, arrived in Washington and paid their respects to the President.[e] They had come, they said, at the suggestion of General Gaines, "to make complaint, to tell our sorrows, to utter our grievances to our Great Father, to show that the Treaty was made by fraud, by thieves, by walkers in the night."[f] Barbour then produced an agreement which the dissenting Creeks had made with General Gaines in council at Broken Arrow, that they would make a cession of all their lands in Georgia for an equal acreage West, plus a bonus of $300,000. Poethleyoholo acknowledged the agreement, but wanted time to reflect. A later council at Tuckaubatchee, which had intrusted this mission to him and his colleagues, expected the new treaty to be made "under a clear sky." Besides, Gaines had made a mistake in saying how much land they would cede. Their people had never promised, nor were they, the delegates, instructed to take anything but the natural boundary of the Chattahoochee as the line of division between the Creek country and Georgia. Adams demurred, knowing that "that would still leave a bone of contention," and suggested

[a] Act of June 9, 1825, American State Papers, "Indian Affairs," II: 741.

[b] Barbour to Troup, July 21, 1825, American State Papers, "Indian Affairs," II: 809.

[c] Troup's excuse for thus waiting is given in his message of November 26, 1825. He claimed he had not weakened in his contention that Georgia had an absolute title to her own soil and jurisdiction, but he felt that it was meet that, in a strife "between states equally independent," corresponding departments should be listed against each other.

[d] Resolutions, December 23, 1825, American State Papers, "Indian Affairs," II: 741.

[e] "Diary," November 26, 1825.

[f] Talk of Poethleyoholo, November 30, 1825, "Indian Office Letter Books," Series II, No. 2, p. 272.

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"laying the whole matter before Congress instead of going ahead and trying to negotiate a new treaty."[a]

On the 6th of December, the President transmitted his first annual message to Congress,[b] and promised to make the treaty of Indian Springs and later transactions in connection with it the subject of a special communication. His failure to do so, made much of by the Opposition,[c] may possibly be attributed to Clay's report in Cabinet meeting that Webster was opposed to such a proceeding on the ground that it would end in nothing.[d] Furthermore, Forsyth remarked to Barbour that he would prefer a treaty on the basis of the Chattahoochee to a recommendation to Congress to annul the treaty as fraudulent, and Meriwether admitted that there was a great convenience in having a river for a boundary.[e]

Under these circumstances, and in consideration of the fact that Gaines's aid-de-camp had corroborated Poethleyoholo's account of the promise made at Broken Arrow, negotiations were about to be resumed with the Creek delegation when Senator Cobb threatened Barbour that, if the Administration yielded the point to the Indians, Georgia would be compelled to support General Jackson.[f] Such threats were lost upon President Adams, and the negotiation went on,[g] notwithstanding the fact that the Georgia delegation, when applied to as a body, declined to make any choice between sending the treaty to Congress and negotiating for the Chattahoochee line.[h] In their opinion there was no real occasion for either course, since no good cause had yet been shown for invalidating the treaty of Indian Springs.

The story of the treaty of Washington can best be told in the light of events attending its ratification and execution.[i] Two distinct Creek delegations were in the city, but only one, Poethleyoholo's party, can be said to have had a hand in its making. The other Creeks were of the McIntosh following, and had come to assert their rights under the earlier contract. Poethleyoholo refused to let them sign the new one, as they had not been delegated to negotiate it. None the less, they consented to its terms, especially when certain provisions had, at Adams's suggestion,[j] been inserted in their favor. Their consent took the form of a written declaration,[k] independent of the treaty

[a] "Diary," December 1, 1825.
[b] Richardson, II: 306.
[c] "Gales and Seaton's Register," III: 1536.
[d] "Diary," December 7, 1825.
[e] Ibid., December 22, 1825.
[f] Ibid., December 23, 1825.
[g] Ibid., January 9, 1826.
[h] Georgia Delegation to Barbour, January 7, 1826, American State Papers, "Indian Affairs," II: 747.
[i] 7 United States Statutes at Large, 286.
[j] "Diary," January 18, 1826.
[k] "Indian Office Letter Books," Series II, No. 2, p. 388.

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proper. After some slight disagreement in the Cabinet as to the advisability of sending in to the Senate all the papers relating to the Georgian controversy, the President deferred to the wish of Barbour[a] and transmitted only the simple treaty, the Secretary's report of its negotiation, and his own special message.[b] They were at once referred to the Committee on Indian Affairs, who reported March 17, 1826, recommending that the Senate "do not advise and consent." On the 31st of March, Adams submitted the supplementary article which, providing (as everyone seems at the time to have believed) for a cession of the remaining Creek lands between the Chattahoochee and the western line of Georgia, removed the great objection, and the same committee reported it on the 4th of April without amendments. It was then considered in Committee of the Whole. "Berrien wanted the first article changed so as to abrogate the Indian Springs treaty without reflecting upon its negotiation," inasmuch as the Georgia legislature had resolved upon a vote of confidence in Campbell and Meriwether,[c] and without undoing what was already done; but his amendment to that effect was lost. On the final question of advising and consenting to ratification, the entire Senate, with the exception of Berrien and Cobb, of Georgia; King, of Alabama; Macon, of North Carolina; White, of Tennessee, and Williams, of Mississippi, voted in the affirmative.[d] Their objection was supposed to be purely constitutional,[e] the idea being that the President and Senate were not competent to abrogate a treaty under which vested rights had accrued; but Berrien afterwards confessed to Governor Troup that he and Cobb had voted against the treaty because it did not contain "sufficient inducements" for the McIntosh party to emigrate.[f]

There was yet much to be done before the treaty of Washington could pass muster. Between the time of ratification and the Senate consideration of the House bill appropriating money to execute the contract, Barbour informed the chairman of the Indian Committee in the lower branch that Poethleyoholo's delegation and their Cherokee secretaries were planning, under the peculiar wording of the third article, to keep back for their own use a large part of the purchase money.[g] This news, being communicated to the Senate, led to an investigation which revealed the fact that the Secretary of War had known of their intention before the treaty was fully negotiated, but had let the matter pass with the remark that it was their own

[a] "Diary," January 30, 1826.
[b] Richardson, II: 324–326.
[c] Resolutions, November 18, 1825, "Niles's Register," XXIX: 227–228.
[d] "Niles's Register," XXX: 256.
[e] "Niles's Register," XXX: 297–298.
[f] Berrien to Troup, April 22, 1826, American State Papers, "Indian Affairs" II: 748–749.
[g] Schedule, American State Papers, "Indian Affairs," II: 667.

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affair and, so long as it was not made a part of the document which he was framing, he would not interfere. The southern members saw in this transaction a chance to turn the tables upon the Administration and even to excite a laugh at its expense by repeating a story which Benton told of how Barbour had rejected with scorn a proposition of his to distribute the usual presents to the Indian negotiators.[a] Barbour, however, was proof against every attack. The Senate then turned to more serious business, and offered an amendment to the appropriation bill designed to outwit the chiefs; but the House refused to concur. Eventually a committee of conference was appointed and its report, which planned to distribute the money to the "chiefs" in "full council," with slight modification, adopted.

From fear that the treaty of Washington would not accomplish so much for Creek removal as its predecessor would have done, Berrien immediately moved a resolution in the Senate to make good the deficiency.[b] The McIntosh party had persuaded him that "if sufficient inducements" were offered they would get most of their tribe to emigrate; and some of the Senators had promised that if Georgia would be satisfied not to burden the new treaty with any such provision they would give their votes for legislation to effect the same object. Such was the history of the enactment of May 20, 1826, by which $60,000 were appropriated to aid the emigrating Creeks.[c]

From first to last Governor Troup denied the power of the United States to annul the treaty of Indian Springs, and informed the President that since Georgia "in declaring its inviolability" had "already proclaimed the invalidity" of any later contract, designed to supercede it, he should proceed "to occupy the Creek lands, September 2, 1826."[d] The treaty of Washington had guaranteed possession to the Creeks until January 1, 1827; consequently, when they, through Agent Crowell, protested against the advance of the surveyors, who were running the Georgia-Alabama line through their country, Barbour sustained the objection and wrote to Troup, "It is expected that Georgia will desist from any further prosecution of the survey until it is authorized by the treaty."[e] The letter was delayed in its journey, and Troup did not answer it for nearly three weeks. He was then able to say that the alarm had come from "officious intermeddlers," since the surveyors had almost completed their work and as yet there had been no interruption whatsoever.[f]

[a] "Thirty Years' View," I: 60; "National Intelligencer," June 1, 1826.
[b] "Gales and Seaton's Register," II: 620.
[c] 4 United States Statutes at Large, 187.
[d] Troup to Adams, February 11, 1826, American State Papers, "Indian Affairs," II: 737.
[e] Barbour to Troup, September 16, 1826, American State Papers, "Indian Affairs," II: 744.
[f] Troup to Barbour, October 6, 1826, American State Papers, "Indian Affairs," II: 744.

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One difficulty passed, another arose. When the Georgia legislature convened for its winter session, the governor announced that the treaty of Washington, though intending as much, had not secured for Georgia quite all of the Creek lands within her conventional limits; but, as the mistake had been made by the Federal authorities, he should be governed by the original intention.[a] The legislature approved his spirit, even declaring in resolutions of the 22d instant that, "in so far as the treaty of Washington had divested Georgia of any rights acquired in 1825, it was illegal and unconstitutional."[b] Thus morally supported the governor allowed the surveyors to proceed with the Alabama line beyond the western limit of the late Creek cession. It was not customary to run State boundaries through country where the native title had not been extinguished. Inferentially, then, this act of Troup's implied a surrender of the whole Creek territory lying within the limits of Georgia, which was contrary to the terms of the treaty of Washington.

The differences between the State and Federal authorities had now been brought to a square issue. The Creeks complained to Crowell and Crowell communicated with Barbour,[c] but nothing was done until news reached Washington that the Indians had arrested the progress of the surveyors and were themselves menaced by a Georgia "troop of horse." Adams at once called his Cabinet together and conferred with them on the course to pursue. Let us give the story in his own words:

> Act of Congress of 30th March, 1802, consulted. Section 5 forbids surveying. Section 16 authorizes the military force of the U. S. to apprehend any person trespassing upon the Indian lands and convey him to the civil authority in one of the three next adjoining districts. Section 17 authorizes the seizure and trial of trespassers found within any judicial district of the U. S. It was proposed to order troops to the spot to apprehend the surveyors and bring them in for trial by authority of Section 16. I have no doubt of the right, but much of the expediency, of so doing.
>
> Mr. Clay urged the necessity of protecting the rights of the Indians by force. Their rights must be protected, but I think the civil process will be adequate to the purpose. The Georgia surveyors act by authority and order of the State. To send troops against them *must* end in acts of violence. The Act of 1802 was not made for the case, and before coming to a conflict of arms, I should choose to refer the whole subject to Congress. Governor Barbour proposed sending a confidential agent to warn the Georgians against proceeding.[d]

Adams's preference for a civil redress having prevailed, Barbour instructed the United States district attorney, R. W. Habersham,[e] to

[a] Message, December 9, 1826, American State Papers, "Indian Affairs," II: 749.
[b] American State Papers, "Indian Affairs," II: 734.
[c] American State Papers, "Indian Affairs," II: 864.
[d] "Diary," January 27, 1827.
[e] Barbour to Habersham, January 30, 1827, American State Papers, "Indian Affairs," II: 864.

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get without delay the proper process for arresting the surveyors and deliver it to Marshal Morel, who was to lose no time in executing it.[a] At about the same time three other letters issued from the War Department—one to Crowell,[a] cautioning the Creeks against the use of violence and promising that their rights should be respected; a second to Troup,[a] warning him that the President would employ all necessary means to perform his constitutional duty of executing a "supreme law of the land;" and a third to Lieutenant Vinton,[b] intrusting him with the special mission of endeavoring to prevent a resort to force either by the Georgians or the Indians. The reception of these letters in Georgia reacted powerfully against the Administration.[c] Habersham, considering loyalty to his State preeminent, resigned his position rather than proceed against the surveyors, and public opinion applauded.[d] The action of Troup was characteristic of the man. On the 17th of February he defied the Federal Government to do its worst.[e]

A little uncertain of his own ground, the President had in the interval decided to seek the support of Congress, and his message of the 5th of February,[f] which he himself records to have been "the most momentous" he had ever sent,[g] was referred, with accompanying documents, by both Houses to a select committee. At the head of one was Benton, of the other, Everett, and their reports of the 1st and 3d of March, respectively, were just what might have been expected. The one, without criticising the President, supported the claims of Georgia; the other unequivocally, yet in the calm, judicious spirit of Adams, with whom Everett had consulted,[h] upheld the treaty of Washington. Both advised the expediency of purchasing the remaining Indian land in Georgia.[i]

As a matter of fact, that is what the President was already attempting to do. Colonel Crowell was even then, under instructions of the 31st of January,[j] endeavoring to persuade the Creeks to make a cession. Additional orders[k] issued in April after it had been discovered that the difference between the cessions of 1825 and 1826 was only a matter "of about 192,000 acres *of pine barrens*." Crowell,

[a] Barbour to Morel, January 29, 1827. American State Papers, "Indian Affairs," II : 864.

[b] Ibid., p. 865.

[c] Public opinion in Georgia had already expressed itself against the treaty of Washington. (Extracts from "Georgia Journal" and "Milledgeville Recorder," reprinted in "National Intelligencer" May 27, 1826.

[d] Phillips, p. 62.

[e] Niles's Register, XXXII : 16.

[f] Richardson, II : 370–373.

[g] Diary, February 4, 1827.

[h] Diary, February 15, 1827.

[i] Gales and Seaton's Register, III : 498, 1534.

[j] "State Papers," Twentieth Congress, first session, Vol. VI, No. 238, p. 7.

[k] "Indian Office Letter Books," Series II, No. 4, p. 31.

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however, could make no impression upon the Creeks, and in June came in person to Washington to report his failure.[a] Thomas McKenney was then sent on a special mission among the Southern Indians to advocate removal. In the course of time he came to the Creek agency and, after experiencing considerable opposition from Poethleyholo and his Cherokee friends,[b] secured the greater part of "the bone of contention."[c] The rest was surrendered at the beginning of the next year.[d]

The treaty of Indian Springs, although professedly made by Georgian Creeks, provided for a cession of Alabama land which went back to its Indian owners under the treaty of Washington. Alabama, therefore, advanced a claim of vested rights;[e] and, when that claim was ignored passed two acts which were a sort of anticipation of future troubles. One extended "the civil and criminal jurisdiction of the State over so much of the Creek land ceded in 1825 as lies in Alabama." The other prohibited "the Creek Indians from hunting, trapping, and fishing within the settled limits of the State." The Administration was immediately apprised of the proceeding,[f] but took no action until Senator Cobb complained of the distinction made between this and the very similar purposes of adjoining States.[g] At a loss how to answer him, Barbour consulted the President and was told to say, "The bearing of the lawful power of the Union is upon the acts of individuals, and not upon the legislation of the States."[h] Nevertheless, Barbour mildly admonished Governor Murphy that the President hoped the acts aforesaid would not be allowed to conflict with laws of the United States regulating Indian affairs,[i] and a controversy was averted by the respect shown for a decision rendered in the United States district court for Alabama that such legislation was unconstitutional and therefore null and void.

After the treaty of 1826, the Creeks were in a fair way to emigrate. Georgia had virtually won her point in the conflict with Adams, and yet she had done the cause of Indian removal, considered as a humane and judicious measure, an irreparable injury. Those in the North who before had been disposed to advocate it out of an honest regard for the general welfare of both races were now opposed, the more so because, as time went on, it became evident that Georgia was deter-

[a] Diary, June 20, 1827.

[b] McKenney to Folsom and Leflore, December 13, 1827, "Indian Office Letter Books," Series II, No. 4, pp. 177–178.

[c] 7 United State Statutes at Large, p. 307.

[d] Phillips, p. 65.

[e] Resolutions of Alabama Legislature, January 14, 1826; Letter of Governor Murphy, American State Papers, "Indian Affairs," II: 644.

[f] Diary, February 8, 1827.

[g] February 23, 1827, "Miscellaneous Files," Indian Office MS. Records.

[h] Diary, February 26, 1827.

[i] Barbour to Murphy, March 2, 1827, "Indian Office Letter Books," Series II, No. 3, p. 415.

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mined not to give the policy a general application until her own territory had been disencumbered; that is to say, she persistently sacrificed the great and benevolent plan of colonizing all the Indians to the inordinately selfish desire of immediate personal relief. She diverted every suggestion for general removal into the narrow channel of Creeks and Cherokees. Never once, until the great debate of 1830, did she permit a full discussion of the question at issue. She clogged nearly every resolution that called for an inquiry into the expediency of Indian emigration with a manifestly irrelevant reference to the compact of 1802; and, all the while, she antagonized the North by her indiscretions, of which threats of coercion were the most prominent. From one view point, however, she really advanced the cause of removal, such as it was, inasmuch as she so continually agitated the question that the nation could not forget it, and sister States, not to be behindhand where benefits were to be secured, united their complaints with hers, thus making it appear to be a more or less universal demand.

The controversy with the Creeks was not the only event during these years that established a line of connection with Indian removal. Nothing but disaster had resulted from the concentration of the Florida tribes. Indeed, it can hardly be said that they ever were concentrated, at least, not until after the northern line of their original reserve had been twice extended,[a] in order to give them a "reasonable" amount of tillable land. Their period of sufferings began, however, with the attempted concentration which the Government expected to accomplish in short order by assembling them in one or two large bodies and marching them with a military escort down to the desolate country assigned them north of Charlotte Harbor. The Indians came in large numbers, drawn thither by the hope of receiving plenty of free rations, as promised by the treaty. They were disappointed; for Gadsden, aiming to please an economical Administration and to ward off the criticism of a still more economical Congress, had sent in an estimate of the amount of rations that would be needed that was altogether too small. Moreover, through some irregular practices of Governor Duval, the deficiency was exaggerated[b] and the Indians roamed about and waited—hungry.

An opening experience such as this was not likely to increase the confidence of the Seminoles in the justice of the General Government. Some of them would go no farther; some went on, saw the country, and turned back; others went on likewise and stayed—to suffer. They had positively nothing to live upon, for the "sustenance" which the United States had promised them for one year, was all exhausted before they went down. It was of no use for them to wander back to

[a] "Indian Land Cessions in the United States" p. 705.
[b] American State Papers, "Indian Affairs," II: 614–644.

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their old haunts, the title had passed to the white people, and they were homeless, except for that barren tract north of Charlotte Harbor. None the less, it was very certain that, if the Florida politicians had thought to dispose of them forever by shutting them up in the swamps, they were much mistaken. Famishing at last, many of them skulked around the settlements, stealing when they could and, when provoked, murdering; yet as a body they were not hostile. Such depredations as were committed were the acts not of tribes, but of individuals reduced to desperate straits, vagabonds by necessity.[a]

Both Florida and Georgia had a grudge against the Seminoles, mainly because now, as formerly, they were supposed to harbor fugitive slaves, and Governors Duval and Troup were only too ready to order out the militia against them in the winter of 1827. At about the same time the Florida legislative council memorialized Congress for their removal.[b] A year previous the subject of their destitution and its causes had been thoroughly investigated in Congress, with the result that $20,000 had been appropriated for their relief.[c] It was not enough. Besides, so unproductive was their country that the prospects were, they would be "charity patients" of the Government until they disappeared. The suggestion to remove was made to them as soon as the President had assured himself that their condition was "truly lamentable," and that they had a positive "horror" of the country allotted them in the peninsula. He did it in all kindness, especially as the Department of War had good reason to suspect that they had been actually terrified into a compliance with the treaty of Camp Moultrie.[d] At first it was contemplated to get them to accompany the Creeks,[e] an idea that had to be abandoned when Campbell's success seemed so uncertain.

In lieu of immediate removal the Seminoles were accommodated with the Big Hammock,[f] but, failing even there to find subsistence,

[a] McKenney to Walton, June 20, 1825, "Indian Office Letter Books," Series II, No. 2, pp. 53–54. "Niles's Register," XXXI : 369.

[b] "Niles's Register," XXXI : 365.

[c] Act of March 22, 1826, 4 United States Statutes at Large, p. 194.

[d] McKenney to Duval, Gadsden, and Segui, December 15, 1825, "Indian Office Letter Books," Series II, No. 2, p. 313.

[e] McKenney to Barbour, November 28, 1825, ibid., p. 258.

[f] In the spring of 1826 "Niles's Register," XXX : 259–260) a Seminole delegation came to Washington. In answer to their request for "good" land, President Adams offered to let them have the Big Hammock as a loan; but they were too sharp to accept readily. They wanted a piece of land from which they would never have to move again. They were told that that could only be west of the Mississippi. They did not want to go there. It was a strange place. They denied hiding the runaway slaves, and instead accused the white people of stealing theirs. They did not care to compete in the matter of education, for they were too far behind the Europeans to begin with. All they asked was to be left alone. They gave a very ancient origin to the white man's duplicity, and, at the same time, explained the source of his superior knowledge. Long ago an old blind man promised a book to the representative of the race that should first kill a deer. The white man killed a sheep, and the blind man, not detecting the difference, gave him the book and taught him to read. Later on the red man came in with a deer, but he was too late.

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continued to overrun the country, and notice was taken of the fact by the grand jury of the superior court of East Florida. That and other things like it ushered the matter into Congress, and the President was asked to furnish information.[a] Barbour reported that one of two things must be done—the Indians removed to a more productive country or supplied regularly with provisions.[b] The President preferred removal, and Joseph White, the Delegate from Florida, was permitted unofficially to offer a district north of Arkansas and west of Missouri.[c] Before Colonel White could leave Washington, the Florida legislature passed an act providing for the chastisement of such Indians as refused to stay on their own territory. The Secretary deprecated the deed, knowing the proud Seminoles would never submit to an indignity of the kind "without seeking revenge," and expressed a hope that "their present miserable and perishing condition may induce in the citizens of Florida dispositions of forbearance and kindness, and especially as there is reason for believing they will soon be relieved from them altogether." White interviewed the Indians May 24, 1827, but nothing resulted. They refused even to send out an exploring party,[d] but he did not despair, not though Agent Humphreys was suspected of counteracting his influence. On the contrary, he communicated from time to time with the War Department, urging a renewal of the offer. Finally the new Secretary, Peter B. Porter, had to admit that lack of funds was the insuperable obstacle.[e] When Congress met, therefore, Colonel White moved an inquiry into the expediency of a special appropriation, but Congress was waiting for Andrew Jackson.

Having bestirred himself to make things uncomfortable for the Creeks and Seminoles, it would have been strange if Governor Troup had left the Cherokees in peace. Soon after the consummation of the treaty of Indian Springs, John Forsyth, at his request, asked for a similar negotiation with Path Killer's faction, who had some time since applied through General Jackson for an exchange.[f] Ross, Lowry, and Hicks, being then in Washington, were asked what they thought about it and expressed their disapproval[g] so strongly that the President, mindful of the instructions to Campbell against contracting with a part of a tribe only, was obliged to reject Forsyth's proposal;[h] but he did it tactfully by assuring the Georgians that he

[a] House resolution, January 5, 1826.

[b] Barbour to the chairman of the Committee on Indian Affairs, House of Representatives, January 30, 1827.—"Indian Office Letter Books," Series II, No. 3, 346.

[c] Barbour to White, February 26, 1827, ibid., p. 409.

[d] Niles's Register, XXXII: 291.

[e] Porter to White, July 11, 1828; McKenney to Gadsden, August 1, 1828, "Indian Office Letter Books," Series II, No. 5.

[f] Forsyth to Barbour, March 9, 1825, "Cherokee Files," Indian Office MS Records.

[g] Barber to Forsyth, March 23, 1825, "Indian Office Letter Books," Series II, No. 1, p. 423.

[h] McKenney to Barbour, March 11, 1825, ibid., pp. 397–398.

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was desirous of executing the compact of 1802 and in full accord "with the policy recommended by Mr. Monroe to Congress at their last session on the subject of a general removal of the Indians to the West of the Mississippi."[a] Troup was vexed, but he bided his time.

Just in proportion as the Georgian demands took on a more decided form the Cherokees became politically more capable of resistance, and yet, in the end, the very thing that they fancied would render them invulnerable proved their weak point of attack. In the summer of 1826, they had a serious dispute with Troup over his pretended right to prospect for a canal through their territory; and, although the Federal Government supported their view of the case, they deemed it prudent to prepare for future aggressions. Wise in their day and generation they saw that the strongest argument for removal was their own adherence to primitive customs, which made it appear that they were unprogressive, or, if you will, uncivilized, and they resolved to disabuse the world of that idea. It was not enough to have their own alphabet, their own printing press, their own churches and schools, their own laws, regulating public and private relations, they must have a republican form of government. But how to get it was the question. An opportunity soon came in the death of Path Killer, the leader of the nomads, whose place the other chiefs resolved not to fill, but to vacate their own and call a constitutional convention.

In 1820 the Cherokee country had been laid off into districts, so that the materials were all ready for the election of delegates, authorized in June, 1827, by a resolution of the national council. The election of July 1, 1827, was "warm and closely contested in some districts,"[b] but on the 4th—most revered of dates to an American—the delegates met in constituent assembly at New Echota and effected the change which, intended for their salvation, was, by a strange perversity of fate, to prove their ruin. The constitution, there drafted and so closely modeled upon that of the United States as to be, as far as it went, a reproduction, was ratified by the nation before the end of the month, and a new era of Cherokee history then began.[c] The movement was revolutionary, yet when John Ross, his Scotch blood all aglow with the enthusiasm of a righteous cause, exchanged his chieftainship for a presidency, little did he think that, in this supreme imitation of a modern ideal, Georgia was to find her great support; but so it was. Here, by a very free construction of the constitution of 1787, was an open violation of its fourth article.[d]

[a] Barbour to Forsyth, March 23, 1825, ibid., p. 423.

[b] "Niles's Register," XXXII: 255.

[c] "Niles's Register," XXXIII: 214.

[d] Art IV, sec. 3, c. 1.: "New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the Jurisdiction of any other State * * * without the Consent of the Legislatures of the States concerned as well as of the Congress."

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Georgia saw in this formulation of a fundamental law an intent of the Cherokees to perpetuate their existence as a distinct community within, saving the past cessions, what were approximately their ancient and her chartered limits. It was not to be tolerated. She looked for sympathy to the Federal Government and gained from one of its officers a suggestion of what her own policy should be.[a] By a law, assented to December 26, 1827, she enacted [b] that a certain portion of the Cherokee land should, for purposes of criminal jurisdiction,[c] be annexed to the counties of Carroll and De Kalb. The day following, resolutions [d] were adopted indicative of her indignation at what she chose to call the unfaithfulness of the Federal Government in not adhering to the compact of 1802. These were duly communicated to the Senate,[e] but not before the House had instructed its Judiciary Committee,[f] and later on its Indian Committee,[g] to inquire into the circumstances of the new Cherokee republic and to report upon the expediency of arresting its design. Late in February and early in March, the House considered [h] the advisability of calling upon the President for illustrative material, and there the matter ended, except that the Indian appropriation bill for that year contained a specific grant of $50,000 for carrying into effect the compact of 1802.[i]

The Department of War, under conditions to be described hereafter, had just concluded a treaty of exchange and perpetual limits with the Arkansas Cherokees,[j] whereby inducements were held out to the Eastern to emigrate, among whom, as negotiations in the usual mode were presumed to be no longer possible,[k] and, indeed, not desired by Senator Cobb,[l] a confidential agent, Capt. James Rogers, was sent to "explain to them the kind of soil, climate, and the prospects that await them in the West, and to use, in his discretion, the best methods to induce the Indians residing within the Chartered limits of Georgia to emigrate * * *."[m] The choice

[a] McKenney in reporting to Barbour the first information of the Cherokee purpose, February 20, 1827, said, "I think it much to be regretted that the idea of *Sovereignty* should have taken such deep hold of these people. It is not possible for them to erect themselves into a state of such independence and a separate and distinct Government, and the sooner they are enlightened on the subject I think the better. The most they can ever hope for if they retain their possessions within the States, is to hold them under the laws of the States as Citizens * * *." ("Indian Office Letter Books," Series II, No. 3, p. 390.)

[b] Niles's Register," XXXV: 41–42.

[c] A law of the previous year had debarred persons of Indian blood from appearing as witnesses in Georgia courts of justice. Ibid.

[d] "Acts of Georgia Assembly," 1827, p. 249.

[e] Niles's Register," XXXIII: 406.

[f] Gales and Seaton's Register, IV, Part 1, p. 914.

[g] Ibid., p. 925.

[h] " Niles's Register," XXXIV: p. 45.

[i] Act of May 9, 1828, 4 United States Statutes at Large, 300.

[j] May 6, 1828, 7 United States Statutes at Large, 311.

[k] McKenney to Porter, July 9, 1828, "Indian Office Letter Books," Series II, No. 5, p. 33.

[l] McKenney to Montgomery, July 22, 1828, ibid., p. 47.

[m] Same to same, May 27, 1828, ibid., No. 4, p. 466.

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of Rogers was unfortunate. He was himself a half-breed Cherokee and carried with him, into Georgia, "scrip" which "was designed merely as the sanction of the Department to such steps as he might esteem it best to take in impressing his Countrymen with the advantages that awaited them in the exchange of homes."[a] As for himself, he was to be paid according to the worth of his services, $500 down and $500 more if he succeeded. Thus liberally supplied in fact and in prospect, he indulged his appetite for drink, became intoxicated, and the chances were he would remain so.[b] Another half-breed was soon associated with him, but together they made little progress. Mitchell, of Tennessee, who was interested in the project because his own State would profit by it incidentally, complained that there was not a free enough use of money, but McKenney thought the strong box had best be guarded.[c] Soon came a report that the Indians in the outlying districts were starving, and the Government added that fact to its list of inducements.[d] Little by little the common men of the tribe professed a willingness to go, but were held back by their chiefs, who in general council at New Echota, October 13, 1828, ably disposed of the Georgia claim;[e] seemingly all to no purpose; for McKenney, not long after, advised Porter to have a military force in readiness to protect the emigrants against their own kin.[f] Georgia, meanwhile, was getting impatient, and decided, upon Governor Forsyth's advice,[g] to pass a law enacting that on and after June 1, 1830,[h] the Cherokee country was in all respects to be subject to her exclusive jurisdiction.

During the last year of Monroe's Presidency, conditions in the West enabled the Department of War to take initiatory steps toward removing one very serious difficulty in the way of Indian colonization. More than once, as already noted, removal had had a setback through the inability of the Government to offer any unencumbered western lands for exchange. The Quapaw and Osage cessions of 1818 had proved wholly inadequate, the supply of grants was soon exhausted, and to get more it would be necessary to treat with the two Dacotah tribes—the indolent Kaws and the fierce Osages. The man for the work was Gen. William Clark.

Ever since 1818, Indian emigrants from the North had been forcing their way into southwestern Missouri, attracted there, just as the southern wanderers were to Arkansas, by the desire to be near their old neighbors. Some of them had come under treaty stipulations,

[a] McKenney to Hon. J. C. Mitchell, July 10, 1828, ibid., No. 5, p. 34.
[b] McKenney to Porter, July 26, 1828, ibid., p. 54.
[c] McKenney to Mitchell, August 23, 1828, ibid., p. 95.
[d] McKenney to Montgomery, August 26, 1828, ibid., p. 101.
[e] "Niles's Register," XXXV: 198–199.
[f] December 1, 1828, "Indian Office Letter Books," Series II, No. 5, p. 214.
[g] Message, November 4, 1828, "Niles's Register," XXXV: 221–224.
[h] Act of December 20, 1828, Dawson's "Compilation of Georgia Laws," p. 198.

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many voluntarily. In 1824 they were said to number about eight thousand souls and more were coming.[a] Naturally the young State was not at all pleased, and lost no time in representing to the Government how shortsighted was the policy that expected to find a "permanent home" for the Indians within her limits. Why should she be any more content to have the tribes as "fixtures" than Illinois or Georgia? A possible way of gaining relief had seemed to open up within a few months of her admittance to statehood but nothing had been done. The facts were these:

Around Cape Girardeau were certain valuable lands, claimed under Spanish grant by the Shawnees and Delawares, which Governor Clark proposed to purchase by the method of exchange,[b] supposing the Osages and Kaws could be induced to relinquish, for the purpose, a portion of their extensive hunting grounds in the trans-Missouri region,[c] where it might also be possible to place all the northwestern emigrants.[d] Even if Missouri were willing, the southwestern section of the State, out of which Clark had carved the Kickapoo and Delaware reservations, could not be expected to accommodate very many tribes. It was not even enough to recompense the Shawnees, especially as they hoped to reunite all their scattered bands and collect once more on a single tract. An equivalent for Ohio and Cape Girardeau lands combined would have to be found somewhere else. Lack of funds prevented in 1820 an immediate negotiation with the Dacotahs, but the idea was not forgotten. David Barton and Duff Green independently revived it late in 1822,[e] and again Calhoun pleaded poverty.

All through these years, Missourians in Congress never lost an opportunity to protest against saddling their State with emigrant Indians, and, in the Senate, from his position as chairman of the Committee on Indian Affairs, Thomas Benton was able to connect in the minds of his colleagues the two schemes of relieving Missouri and negotiating for a cession with the Kaws and Osages,[f] the one being a concomitant of the other. Such a connection is what actually did happen eventually, but it came about independently of legislative action.

In February, 1825, John Lewis (Quoit-awy-pied), an Ohio Shawnee,[g] represented to the Government that all the northwestern tribes were anxious for removal and wished to discuss the matter with a

[a] "State Papers," Eighteenth Congress, first session, Vol. IV, No. 56.
[b] Calhoun to Clark, April 24, 1820, "Indian Office Letter Books," Series I, D, p. 410.
[c] Same to Same, July 28, 1820, ibid, p. 475.
[d] Duff Green to Calhoun, December 9, 1821, "Miscellaneous Files," Indian Office MS. Records.
[e] "Indian Office Letter Books," Series I, E, p. 329; Duff Green to Calhoun, December 4, 1822, "Miscellaneous Files," Indian Office MS. Records.
[f] Committee Report, May 14, 1824, American State Papers, "Indian Affairs," II: 512.
[g] "Miscellaneous Files," Indian Office MS. Records.

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Government agent at a great meeting which was to be held at Wapaghkonetta, Ohio, the following month. General Cass was sent to confer with them and, at the same time, informed that the Shawnees of Missouri were willing to have their Ohio brethren unite with them wherever they (the former) might be located.[a] Simultaneously General Clark was instructed that if, in order to accommodate the Shawnees, it were expedient to procure a cession from the Osages, he would be duly empowered to negotiate.[b] Accordingly, on the 15th of March he was commissioned,[c] under a charge of strictest economy, since there was no special appropriation for it, "to treat, should you find it necessary, with the Osage and Kansas Indians, with the view of procuring an extinguishment of their titles to land upon which to locate the Shawnees and any other tribes who may be disposed to join them from the East of the Mississippi.[d]

The Wapaghkonetta meeting, from which so much had been expected,[e] was a failure.[f] It turned out that John Lewis was an Indian absolutely without credit in his own nation,[g] and the assembly would have nothing to say on the subject of removal. Clark's double mission in the West was more successful. He wisely began with the Kaws and Osages and brought matters to a conclusion on the 10th of August. Separate treaties were negotiated; but, for the purpose in hand, the Osage was the more important of the two.[h] The cession for which it provided was immense, covering all the Osage claim between the Canadian and Kansas rivers except a comparatively small reservation extending across the southern part of the present State of Kansas from a point 25 miles west of the Missouri boundary, presumably, to the old United States line. The Kaw cession was smaller,[i] but came in very conveniently later on, when the trans-Missouri region was definitely set apart as an Indian Territory.

Now that the crowning obstacle in the way of Indian colonization had been removed, it became an interesting question whether the Administration would avail itself of the opportunity. As far as Adams personally was concerned, the controversy in Georgia was probably doing more harm than good. Removal, after all that had occurred and was occurring, would look too much like an abject surrender to

[a] McKenney to Cass, March 9, 1825, "Indian Office Letter Books," Series II, No. 1, p. 395.

[b] McKenney to Clark, March 9, 1825, ibid, pp. 394–395.

[c] Benton, in his "Thirty Years' View," I: 28–29, ascribes to himself the honor of instructing General Clark to negotiate with the Kaws and Osages.

[d] Barbour to Clark, March 15, 1825, "Indian Office Letter Books," Series II, No. 1, p. 405.

[e] "Niles's Register," XXVIII: 49.

[f] Ibid., p. 260.

[g] John Johnston to McKenney, April 11, 1825, "Miscellaneous Files," Indian Office MS. Records; McKenney to Cass, June 1, 1825, "Indian Office Letter Books," Series II, No. 2, p. 44.

[h] 7 United States Statutes at Large, 268–270.

[i] Ibid., 270–272.

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State tyranny for it to be generally advocated in the earnest spirit of Monroe. The President's discussions with his Cabinet show, however, that he was willing to enlist himself on the side of any project that would best subserve the true interests of both races.

The successive changes in Barbour's ideas are very instructive. In the early part of his career as Secretary of War he seems to have vacillated between indorsing Monroe's plan of removal by tribes and Crawford's plan of incorporation. The question of choice perplexed him and so, October 3, 1825, he requested McKenney to report on the probable and ultimate consequences of the two projects.[a] Evidently he had not yet realized how intense and universal was the desire to get rid of the Indians. McKenney reported November 30;[b] but Barbour had already made up his mind and had submitted a plan of incorporation to the President.[c] Weeks passed and he was inflexible, though Adams and Clay both tried to convince him of its impracticability.[d] It was soon to be brought to a square issue; for, early in the new year, the House Committee on Indian Affairs sought his advice.

The bill for the preservation and civilization of the Indians, passed by the Senate the previous session, had not been entirely lost; but, as heretofore remarked, had been pushed aside in the House by other business after having been referred to the standing committee and by them amended. It was now to be revived and sent for suggestive comments to the Secretary of War.[e] Barbour considered the matter carefully and then submitted an elaborate report,[f] accompanied by the outline of a new bill, the most prominent feature of which was removal, not by tribes as formerly, but by individuals.[g]

Taken as a whole, the report shows how far above the majority of his contemporaries Barbour was in his conception of justice. He read the times aright, did not mince matters or cater to local preju-

[a] "Miscellaneous Files," Indian Office MS. Records.

[b] American State Papers, "Indian Affairs," II: 585.

[c] J. Q. Adams's Diary, November 21, 1825.

[d] Ibid., December 22, 1825.

[e] John Cocke to Barbour, January 11, 1826, "Miscellaneous Files," Indian Office MS. Records.

[f] Gales and Seaton's Register, Vol. II, Part 2, Appendix, pp. 40–42.

[g] Among the "Miscellaneous Files," of this year I found a bill in manuscript, but have not been able certainly to determine whether it was the one Barbour sent or the one he received. I rather incline to the latter opinion for two reasons: First, its presence in the "Miscellaneous Files," where letters that came in were preserved, and its absence from the letter books where all outgoing letters and reports were recorded; secondly, Barbour says he sent the "project" of a bill. This is a bill complete. If it be the one Barbour received, then the credit of originating the plan of removal by *individuals* as distinct from removal by *tribes* belongs probably to some unknown member of the Eighteenth Congress. "Section 4. And be it further enacted, That in all cases, where the proper authority of any tribe may decline entering into stipulations respecting the removal of such tribe, it shall be the duty of the Commissioner or Commissioners to enter into such arrangements with any individual of the tribe, and under the directions of the President to make the necessary provision for the removal of such individuals. But the arrangements with such individual shall in no case affect the rights of the tribe."

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dices, but frankly criticized the Government for its existing policy toward the Indians. "Missionaries," said he, "are sent among them to enlighten their minds, by imbuing them with religious impressions. Schools have been established by the aid of private, as well as public donations, for the instruction of their youths. They have been persuaded to abandon the chase—to locate themselves, and become cultivators of the soil—implements of husbandry and domestic animals have been presented them, and all these things have been done, accompanied with professions of a disinterested solicitude for their happiness. Yielding to these temptations, some of them have reclaimed the forest, planted their orchards, and erected houses, not only for their abode, but for the administration of justice, and for religious worship. And when they have so done, *you* send *your* Agent to tell them they must surrender their country to the white man, and re-commit themselves to some new desert, and substitute as the means of their subsistence the precarious chase for the certainty of cultivation. The love of our native land is implanted in every human bosom, whether he roams the wilderness, or is found in the highest stage of civilization. * * * We have imparted this feeling to many of the tribes by our own measures. Can it be matter of surprise, that they hear, with unmixed indignation of what seems to them our ruthless purpose of expelling them from their country, thus endeared? They see that our professions are insincere—that our promises have been broken; that the happiness of the Indian is a cheap sacrifice to the acquisition of new lands; and when attempted to be soothed by an assurance that the country to which we propose to send them is desirable, they emphatically ask us, what new pledges can you give us that we shall not again be exiled when it is your wish to possess these lands? It is easier to state, than to answer this question. A regard to consistency, apart from every other consideration, requires a change of measures. Either let him retain and enjoy his home, or, if he is to be driven from it, abstain from cherishing illusions we mean to disappoint, and thereby make him feel more sensibly the extent of his loss. * * *"

The points in Barbour's project were five and may as well be given in his own words:

First, The country West of the Mississippi, and beyond the States and Territories, and so much on the East of the Mississippi as lies West of Lakes Huron and Michigan is to be set apart for their exclusive abode.

Secondly, Their removal as individuals, in contradistinction to tribes.

Thirdly, A Territorial Government to be maintained by the United States.

Fourthly, If circumstances shall eventually justify it, the extinction of tribes, and their amalgamation into one mass, and a distribution of property among the individuals.

Fifthly. It leaves the condition of those that remain unaltered.

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The logical outcome of Barbour's plan would have been the collocation of all the tribes in a compact mass with tribal lines obliterated; and, by and by, the erection of a great Indian State in the Union.[a] Was it feasible? Congress evidently thought not, although the House considered it to the extent of inquiring the probable cost of the venture as compared with that of the then present system.[b] We shall hear of it again in connection with Isaac McCoy.

In the second session of the Nineteenth Congress the subject of removal came up very early,[c] and resulted in a discussion as to the remaining obstacles to removal. There was one that was very serious. It had not taken the emigrant Indians long to find out that there was no certainty of tenure in their new lands. Both Choctaws and Cherokees had experienced it in a forcible manner and were deterred from general emigration in consequence. The fault lay with the Government. Without noticing the breakers ahead, it had designed to place these two southern tribes wholly or in part within the limits of Arkansas, upon land where white people had already "squatted.". This was flying in the very face of a dangerous experience. A more unstatesmanlike policy could not have been conceived. However, in the case of the grant to the Choctaws, the Government promised, through its commissioner, Andrew Jackson, that it would remove the settler, who had really no right there anyway. Local influence proved too strong, the Indian too weak, and it did not do so. As a result, the Choctaws were practically compelled, in 1825, to retire west of the Arkansas line.[d] It was the same way with the Cherokees, although they managed to cling to their treaty rights a little longer.

Under article 5 of the treaty of 1817, the Cherokees were assigned a tract of country, the eastern line of which began at Point Remove on the upper bank of the Arkansas River and ran northeastward to White River; the western was not defined and could not be until the exact acreage of the cessions upon which it depended had been determined; but, not liking to be kept in ignorance of their exact claim,

[a] As narrated in an earlier chapter, the idea was by no means a new one. The Revolutionary fathers may possibly have speculated about something of the kind when they negotiated and confirmed the treaties of Fort Pitt and Hopewell, 1778 and 1785, respectively. By the sixth article of the former (7 United States Statutes at Large, 14), the contracting parties agreed that, if mutual interests demanded and Congress approved, Indian tribes friendly to the United States should be invited to form a State, of which the Delawares should be the recognized head, and join the contemplated confederacy of the old Thirteen. By the twelfth article of the latter (ibid., p. 20) the Cherokees were given the right to send a deputy to the Confederate Congress. It is conjectual what would have been the status of this Indian representative had he ever ventured to take his seat. Fortunately, perhaps, for American national equanimity, neither the Delawares nor the Cherokees ever presumed to claim any political privileges under the respective clauses of the treaties mentioned.

[b] Cocke's Report to the House, May 20, 1826, Amer. State Papers, "Indian Affairs," II: 667.

[c] Gales and Seaton's Register, III: 537.

[d] 7 United States Statutes at Large, 234.

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the Cherokees in 1822 asked to have it marked. Calhoun could not very well refuse the request, so he made, with the help of the southern governors, whose states were involved, a rough guess at the amount of land which the Cherokees had ceded in 1817 and 1819. He then instructed Governor Miller, of Arkansas, to lay off a tract equal to one-third of it.[a] That done, he was again waited upon by the Cherokees. The tract was too small, was not of the right shape, and did not include the outlet which the Government had verbally promised. Nothing would satisfy them but an actual survey of the eastern lands, especially as Governor Miller was intent upon giving them as little as possible. Then there came up the awkward question of the outlet. From the time of its cession by the Osages, it had been known as Lovely's Purchase. The Cherokees had no written title to it, and settlers took advantage of that fact to creep in and occupy it. Things went on from bad to worse until the Government was obliged to treat with the Cherokees for their removal from Arkansas. The negotiations were begun in 1825,[b] but were not concluded until 1828. The Cherokees were then reduced to make their second removal. Was it any wonder that their brethern in the East held aloof from treaty makers?

Late in the summer of 1827, as has been already remarked, Thomas L. McKenney, chief of the Indian Bureau, was sent on a mission through the Southern States in the special interest of removal. He came back fully convinced that three at least of the great tribes would emigrate if only they could be sure of what the Government intended to do for them and that it was acting in good faith. Barbour pleaded again for the adoption "of a general system,"[c] and all the winter Isaac McCoy lobbied for an Indian Territory—for just such a one as a House resolution of December 17th provided.[d] State jealousy again intervened. Georgia would have nothing to do with removal unless her Indians were specifically mentioned, and Mississippi could see no reason for including Creeks and Cherokees who did not want to remove in a bill intended to aid Choctaws and Chickasaws who did. With divided energies, the Government could do nothing except provide in the old irregular fashion for special tribes and special sections.

The last annual report proceeding from the Department of War during Adams's Administration was transitional in its nature. It was to constitute a bridge between two policies diametrically opposed—the voluntary removals of Monroe and of Adams and the coercive of Jackson. Barbour had left the Cabinet and his place had

[a] Calhoun to Miller, March 4, 1823, "Indian Office Letter Books," Series I, E, p. 396.
[b] Barbour to Izard, April 16, 1825, Ibid., Series II, No. 1, p. 450.
[c] Report, November 26, 1827, "Gales and Seaton's Register," IV, Part 2, Appendix, p. 2789.
[d] "Gales and Seaton's Register," IV, Part 1, p. 820.

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been taken by Peter B. Porter, of New York. That was enough to account for the change without ascribing any base political motive to the President. The year before, a joint committee of the Georgia legislature had reported against the civilization of the Indians because its tendencies were to make them opposed to emigration.[a] Porter's suggestions were in the same vein. He advised withdrawing all national support from Indian missionary establishments in the East and expending it in the West. The missionaries, argued he, are personally interested in keeping the Indians where they are and they, therefore, counteract the influence of Government agents. Aside from this fact the report of December 2, 1828,[b] is interesting because of its anticipation of very recent methods, such as the sort of reservation system that prevailed in the West, viz, a tract in common, and tracts in severalty with restricted alienation. In all other respects it followed Barbour's and was just as ineffective as far as Congress was concerned.

[a] "Niles's Register," XXXV: 292.
[b] "Gales and Seaton's Register," V, Appendix, pp. 7–10.

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Chapter VIII.

THE REMOVAL BILL AND ITS MORE IMMEDIATE CONSEQUENCES.

Though J. Q. Adams left it to other men to advocate officially Indian removal, there is no question that he was in sympathy with the measure. Why, then, did the Congresses of his day never quite get to the point of passing a bill that would legitimatize exchange on a large scale?[a] Was it because the anti-Indian politicians lived in hopes of securing a greater triumph under his successor? There was much of the bully in Andrew Jackson's make-up and his dealings with the Indians had always been coercive. Consequently, the South and West had every reason to expect a change of tactics as soon as he came into power. Strange, however, to relate, the Indians likewise looked for something from him[b]; for was not justice his cardinal doctrine?

Within a fortnight after his inauguration Jackson showed his true colors, and the Indian hopes were blighted. On the 23d of March he personally addressed the Creeks, through their agent, pointing out the necessity of removal.[c] A little later, April 18, Secretary Eaton talked in the same strain to a Cherokee deputation.[d] Both tribes were given distinctly to understand that the United States could not and would not interfere with the legitimate authority of a State within her own limits. There was no remedy for such except removal, and if they wanted a home that they could call their own they must go West, for there the President could guarantee that the soil should be theirs "as long as the trees grow and the waters run."[e] The Indians were "incredulous" that such sentiments could proceed from their "Great Father,"[f] so, to convince

[a] Adams's Administration was open to attack from his enemies because of the practice that had grown up of negotiating treaties of exchange without first seeking the sanction of Congress in the matter of appropriations.

[b] A passage in Jackson's first inaugural speech justified their trust, for he said, "It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people * * *." ("Statesman's Manual" I: 696; Richardson, II: 438.)

[c] "Indian Office Letter Books," Series II, No. 5, pp. 373–375; "Niles' Register," XXXVI: 257.

[d] "Indian Office Letter Books," Series II, No. 5, pp. 408–412.

[e] These talks were published at Natchez in the "Statesman and Gazette," June 27, 1829.

[f] Jackson's conversation with Wiley Thompson ("Niles's Register," XXXVI: 231), who went to him for some assurance that Georgia could look to him in confidence for a redress of her Indian grievance, shows that the Administration was not yet very sure of its ground. It had not yet gauged the depth of public opinion.

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them, Jackson thought it prudent to send among them a confidential agent,[a] whose mission should be kept absolutely secret, the object being to secure individual acquiesence.[b]

Measures directed toward the same end were taken for the Choctaws and Chickasaws. At the beginning of the year the Mississippi legislature had enacted that the Indian country should be subject to legal process,[c] and there was every indication that the Indians would, at the ensuing term, be themselves rendered amenable to State law. Eaton, therefore, advised them to go to a land that would be theirs and their children's for all time;[d] inasmuch as the General Government had not the constitutional power to prevent the extension of State authority; "but beyond the Mississippi (it) will possess the power and can exercise it. It will be disposed when there settled to molest or disturb them no more, but leave them and their children at peace and in repose forever."[e] Colonel Ward,[f] who had been retained in the service as Choctaw agent, even though the Indians had in 1828

[a] Gen. William Carroll, then a candidate for the governorship of Tennessee, was selected for this delicate mission. His compensation was to be $8 for every day of service within the nation and $8 for every 20 miles of travel to and from. An assistant was given him in the person of General Coffee, and together these two political friends of Jackson did good service for removal among the common Indians. Later on a second commission was sent out, composed "of Humphrey Posey, and a Mr. Saunders, having in view the purchase" of Cherokee lands in North Carolina. (Royce, p. 260.)

[b] The object of the Administration is fully disclosed in Eaton's letter of instructions to Carroll, May 30, 1829, but from which illustrative extracts only have been taken, the connection being supplied, when necessary, by a paraphrase of the omitted parts: "A crisis in our Indian Affairs has arrived. Strong indications are seen of this in the circumstance of the Legislatures of Georgia and Alabama, extending their laws * * * These acts, it is reasonable to presume, will be followed by the other States interested * * * to exercise such jurisdiction * * *." Emigration is the only relief for the Indians. The President is "of opinion" that, if they "can be approached in any way that shall elude their prejudices, and be enlightened as to their true relations to the States," they will consent to remove. He therefore desires that you will undertake to enlighten the Creeks and Cherokees, since he does not think "the form of a Council" will take with them any longer. "The past has demonstrated their utter aversion to this mode while it has been made equally clear that another mode promises greater success * * *."

"Nothing is more certain than that, if the Chiefs and influential men could be brought into the measure, the rest would implicitly follow. It becomes, therefore, a matter of necessity, if the General Government would benefit these people, that it move upon them, in the line of their own prejudices; and by the adoption of any proper means, break the power that is warring with their best interests * * *." This cannot be done by "a General Council." It must be done by "an appeal to the Chiefs and influential men." "Your first business, should you consent to engage in this work of mercy to the Indians, would be to ascertain upon whom, as pivots, the will of the Cherokees and Creeks turns."

"It is believed that the more careful you are to secure from even the Chiefs the official character you carry with you, the better—Since no circumstance is too slight to excite their suspicion or awaken their jealousy; Presents in your discretion to the amount of not more than 2000$ might be made with effect, by attaching to you the poorer Indians, as you pass through their Country, given as their friend; and the same to the Children of the Chiefs, and the Chiefs themselves, in clothes, or otherwise * * *." (Indian Office Letter Books," Series II, No. 5, pp. 456–459.)

[c] Act of February 4, 1829, "Knoxville Register," March 3, 1830.

[d] Eaton to Folsom, July 30, 1829, "Indian Office Letter Books," Series II, No. 6, pp. 56–57.

[e] Eaton to Ward, July 31, 1829, ibid., pp. 58–59.

[f] Much that was derogatory to the character of Ward came out in the evidence furnished in the case of the Choctaw Nation *v.* the United States.

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petitioned for his removal because of embezzlement of annuity funds,[a] communicated these sentiments to the Choctaws in general council September 17, 1829, and on the 7th of November Colonel Folsom, mingo of the northeastern district,[b] replied on behalf of the whole tribe.[c] He repudiated an idea advanced that white men influenced them against removal and proudly asserted that the Choctaws, being a nation by themselves, acted for themselves. Moreover, they could not understand how there could be any question that they in their own land were independent of Mississippi laws.

"We have no expectation," wrote Folsom, "that, if we should remove to the west of the Mississippi, any treaties would be made with us, that could secure greater benefits to us and our children, than those which are already made. The red people are of the opinion, that, in a few years the Americans will also wish to possess the land west of the Mississippi. Should we remove, we should again soon be removed by white men. We have no wish to sell our country and remove to one that is not fertile and good, wherever it is situated. It is not our wish that a great man, although our friend, should visit us to counsel with us, about selling our beloved country, and removing to another far off. We desire no such visit.

"As the agent of the United States' government, you speak to us and tell us of another country west of the great river Mississippi, that is good, and where we and our children may have a long and quiet home, and enjoy many blessings. In all this you would act as a faithful officer under your superior. But here is our home, our dwelling places, our fields, and our schools, and all our friends; and under us are the dust and the bones of our forefathers. This land is dearer to us than any other. Why talk to us about removing? We always hear such counsel with deep grief in our hearts.

"During your residence in our nation as United States agent, you have seen what improvement we have made in those things which are for our good and the good of our children. And here it is, in this very land that we wish to reside and make greater improvement till we become a happy people. Our hearts cleave to our own country. We have no wish to sell * * *."

Whether the Choctaws wanted a private agent to counsel them or not, President Jackson was bent upon furnishing one, and he found an individual ready at hand in the person of Major David Haley, of Mississippi, who, being about to pass through the Choctaw country, offered to be the bearer of any communication the President might

[a] McKenney to Porter, November 3, 1828, ibid. No. 5, pp. 170–172.

[b] "The Choctaw nation is divided into three parts, or districts, supposed to contain seven or eight thousand inhabitants in each. For some time past, (perhaps from time immemorial) a high chief, called a Mingo, often translated *king*, presided over each district. These three mingos appear to have been equal in power and rank. So far as can be learned, they rose gradually to this station by the consent of other leading men, but without any formal election. In each village, or settlement, a head man was appointed, whose rank is indicated, in our language, by the word *captain*. There are about thirty of these in the northeast district; and perhaps nearly the same number in each of the others. The captains were raised to this office by the consent of their neighbors and of the Mingo; but all appointments appear to have been confirmed in a council of chief, captains, and warriors; meaning by the word *warriors*, all the common men. The councils were held at irregular periods, and were usually called by the chief * * *." ("Missionary Herald," August, 1830, p. 251.)

[c] Folsom to Ward, November 7, 1829, "Missionary Herald," 1830, pp. 82–83.

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wish to send.[a] Jackson intrusted him with some documents which Haley, upon his arrival in the Choctaw country, inclosed in a letter of his own to Folsom, November 24, 1829, with the suggestion that he be permitted to interview the Indians himself and "aid the chiefs in obtaining the consent of the people to a removal."[b] Folsom read the letter in council at a time when Colonel Garland, mingo of the southeastern district, and other leading men of the Choctaw Nation were present, and then, under their sanction, replied to Haley, calling him as a neighbor to witness that the Choctaws were already an agricultural people and had always been opposed to removal. Moreover, if he (Haley) did come into the nation, Folsom wanted him to bring with him the treaties of Doak's Stand and Washington and explain their meaning.[c] The scorn and censure implied in this

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[a] WASHINGTON, *October 15th, 1829.*

SIR:

You have kindly offered to be the bearer of any communications to the Indians amongst whom you pass on your return home. I place in your hands, copies of a talk made by me last Spring to the Creeks; I wish you to shew them to the Chiefs of the Choctaws, as you pass and say to them, as far as this talk relates to their situation with their white brothers and my wishes for them to remove beyond the Mississippi, it contains my sentiments towards the Choctaws and Chickasaw Indians, and if they wish to be happy and to live in quiett and preserve their Nation, they will take my advice and remove beyond the Mississippi.

Say to them as friends & brothers to listen to the voice of their father, and their friend. Where they now are they and my white children are too near to each other to live in harmony and peace. Their game is destroyed & many of their people will not work, & till the earth. Beyond the Great river Mississippi, where a part of their nation have gone, their father has provided a country, large enough for them all, and he advises them to remove to it. There their white brethren will not trouble them, they will have no claim to the land, and they can live upon it, they and all their children, as long as grass grows or water runs, in peace and plenty. It will be theirs forever. For any improvements in the country where they now live, and for any stock which they cannot take with them, their father will stipulate, in a treaty to be holden with them, to pay them a fair price.

Say to my red Choctaw children, and my Chickasaw children to listen—my white children of Mississippi have extended their laws over their country. If they remain where they now are they will be subject to those laws. If they remove across the Mississippi river they will be free from those laws of the state, and only subject to their own laws, and be under the care of their father the President of the United States. Where they now are, say to them, their father cannot prevent them from being subject to the laws of the state of Mississippi. They are within its limits, and I pray you to explain to them, that so far from the United States having the right to question the authority of any State, to regulate its affairs within their own limits, the general government will be obliged to sustain the States in the exercise of their right. Say to the chiefs and warriors that I am their friend, that I wish to act as their friend but they must, by removing from the limits of the States of Mississippi and Alabama and by being settled on the lands I offer them, put it in my power to be such—There, beyond the limits of any State, in possession of land of their own, which they shall possess as long as Grass grows or water runs, I can and will protect them and be their friend & father.

That the chiefs and warriors may fully understand this talk, you will please go amongst, & read it to, and fully explain it to them. Tell them it is from my own mouth you have rec'd it and that I never speak with a forked tongue * * *. Again I beg you to tell them to listen. The plan proposed is the only one, by which they can be perpetuated as nations & where can be extended to them, the right of living under their own laws.

I am very respectfully, your friend & the friend of my Choctaw and Chickasaw brethren,

ANDREW JACKSON

Major DAVID HALEY.
(Jackson Papers, 1829.)

[b] "Missionary Herald," 1830, p. 83.

[c] Ibid., pp. 83–84.

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request could not have been lost upon Jackson did he hear of it; for he had, in conjunction with General Hinds, himself negotiated the former of these two treaties, and, therefore, had personally subscribed to the express stipulation that the boundaries therein arranged for should not be altered except "in a certain contingency and under the direction of Congress." The subsequent treaty of Washington revoked the conditional rights given Congress, and particularly declared "that the power of bringing the Indians under the laws of the United States should not be exercised but with the consent of the Choctaw Nation."[a]

It is not to be supposed that the Choctaws were a unit in their sentiments regarding removal. Mooshoolatubbe [Mushulatubbe], Folsom's predecessor and later successor in the mingoship of the northeastern district, was the leader of a disaffected band opposed to the missionaries, their work, and improvement generally. These men had come to a decision that, unless they moved westward, they could not hope to retain their primitive customs.[b] They were believed to be influenced in this by certain Indian youths who were being educated in Kentucky. Colonel Leflore, the mingo of the western district, was at first in sympathy with his fellow chiefs, Folsom and Garland; but in the winter of 1829–30 he paid a visit to Tennessee and, although he then declared to the Cherokees that he was unalterably opposed to removal, he came back with his views changed.[c]

This change of feeling was very evident at a general council which was called in March and which was attended largely by Leflore's constituents and very sparsely by those of Garland and Folsom. During the early part of the meeting these two mingos, frightened, it was conjectured, by a law of Mississippi imposing a fine of a thousand dollars and imprisonment for one year upon any Choctaw who should exercise the authority of a chief, resigned their offices; and Leflore, who did not resign his, because, being prepared to advocate a departure of his tribe from Mississippi, he expected to gain the indulgence of the State, was made in this assembly, so noticeably composed of his own personal followers, the sole chief of the Choctaws. In that capacity, he proceeded to serious business and informed his audience that the tribe must do one of three things: "Fight the United States, submit to the laws of Mississippi, or remove." Thoroughly alarmed or else primed beforehand the people answered in substance, "We are distressed, we can not endure the laws of Mississippi; we do not think our great father, the President, loves us; we must go, as he will not protect us here."[d]

[a] "Missionary Herald," 1830, p. 251.
[b] Ibid., August, 1830, pp. 251–252.
[c] Ibid., p. 243.
[d] Ibid.

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The United States had not yet, be it remembered, appointed commissioners to negotiate with the Choctaws; yet, in some mysterious way, the wily Leflore was able to produce at this stage of the council proceedings a document of cession fully drafted. It was reported by a contemporary to occupy "sixteen sheets of foolscap paper" and to be "in the handwriting of Dr. Tally, the most prominent of the Methodist missionaries," all but one of whom were present. It was read to the people and declared approved, even by Folsom and Garland, who indorsed it as private individuals.[a] Its terms were rather unique and evidently emanated from the Indians themselves.[b] They offered to surrender their land for $1,000,000, provided each man be granted out of it 640 acres, with power of alienation, compensation be given for all domestic animals, provision be made for the journey and for one year after arrival, and, finally, the new land in the West be guaranteed to them as a State with the promise of ultimate admittance to the Union on equal terms with other States.[c]

Scarcely had the doings of the Choctaw Council become generally known than Mooshoolatubbe raised an uproar against the illegality of the proposed treaty. His contention was, that it had not been agreed to in a national council, since few representatives from the northeast and southeast districts were present. He also raised a hue and cry against the missionaries, the prominence of the Methodists at the convention being taken as indicative of the general bad effect of religious influences.[d] All through the spring and early summer a great commotion prevailed in the Choctaw country. In some cases despair and in others indignation gave a loose rein to vice and intemperance. The excitement was not even allayed when it became known that the United States Senate had rejected the treaty; for everyone knew that negotiations would be resumed as soon as possible and an attempt be made to secure the land on terms more favorable to the oppressor.[e]

Among the Creeks and Cherokees the prospect of removal, thanks to Carroll and Coffee, was gradually brightening,[f] so that, by the middle of November, McKenney was able to report that Colonel Crowell had sent off 1,200 of the former and Colonel Montgomery 431 of the latter.[g] Events, however, could not move fast enough to suit the white people. In the course of a few months, the prospective

[a] "Missionary Herald," August, 1830, p. 253.

[b] "These people appear to have thus run ahead of the Gov't. Since no commissioners have been appointed to negotiate with them, what is meant by a Treaty is, I presume, the basis of one." (McKenney to Hon. H. L. White, April 9, 1830, "Indian Office Letter Books," Series II, No. 6, p. 381.)

[c] "Niles Register," XXXIX: 19.

[d] "Missionary Herald," August, 1830, p. 254.

[e] "Missionary Herald," December, 1830, p. 384.

[f] This must not be taken to imply that the Cherokees as a nation were becoming compliant. (Royce, p. 260.)

[g] "Indian Office Letter Books," Series II, No. 6, p. 163.

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value of the Cherokee lands had increased immeasurably. It was a repetition of the Creek case of 1825, except that there silver[a] had been the lode stone and here it was gold.[b] Diggers flocked to the mines from all directions,[c] and, in utter defiance of the Federal intercourse laws, took up their station in the Indian country, just at a time, too, when the Administration, in its own interest, was considering the project of bringing those same laws to operate upon missionaries and half-breeds. It was a period of lawlessness, and even the War Department lost patience with the Georgians, many of whom thought that the present attack upon the Indians was a good opportunity for the advancement of the most extravagant claims, and Governor Forsyth supported them.[d] Eaton took a more sensible view and hinted that,

[a] "Niles's Register," XXIX: 228.

[b] "Knoxville Register," August 11, 1830, September 29, 1830; "Nashville Republican and State Gazette," October 20, 1830; "Niles' Register," XXXVII: 213.

[c] HEAD OF PIGEON ROOST, *27th January, 1830.*

SIR.

We the citizens of Georgia who are engaged in the gold digging business in the Cherokee Nation beg leave to make the following communication (to wit) We are well aware that it is wrong for us to intrude upon the rights of Georgia by digging for gold upon her unappropriated & unsurveyed lands, as we have been doing for some time past & that we of right ought to be stoped. Therefore at the time you visited us, in June last (at your request) we abandoned our Searches for gold in the nation and returned to our homes. But finding that your reasonable request and the exertions of Capt. Brady had not induced the citizens of other States to abandon their Searches we again returned to the Nation. And our excuse for thus acting may be found in this That we believe the Soil of this Nation and the minerals therein contained belong to Georgia and that we have a prospective interest in the same, and that we are more excusable than the citizens from other states or the people of the Nation. Therefore we thought while others were grasping after the wealth of our State that we would strive for a part. But Sir notwithstanding all this, we are now willing to abandon our Searches for gold again, provided all other persons are compeled to do so—But let it be distinctly understood that if affective means are not adopted to restrain & prohibit all other persons from digging that we will again return with the full determination of being the last to quit the mines upon any subsequent occasion.

It is unanimously Resolved that the foregoing Communication be signed by the Chairman in behalf of the Citizens of Georgia present and countersigned by the Secretary and forwarded to Col. Hugh Montgomery.

B. L. GOODMAN *Chairman*
M. H. GUTHRIGHT (?) *Secy.*

"Jackson Papers.")

[d] Governor Gilmer did put forth an effort to restrain the gold-diggers, but he restrained or tried to restrain both red and white men. On the 3d of July, 1830, he issued two proclamations, the one declaring the laws of Georgia to be in full force over the Cherokees, "the other forbidding the whites as well as the Indians from digging for Gold in the Cherokee Nation." ("Knoxville Register," July 7, 1830.) Later on, he convened the legislature, very largely for the purpose of securing legislation that would prevent trespass upon the gold lands. ("Knoxville Register," October 6, 1830.) Colonel Montgomery exerted himself to protect the Cherokees from intrusion and gave notice to the gold diggers to remove, early in June, 1830. (Cherokee Emigration Papers, Indian Office MS. Records.) He was not, however, supported by the Government. Indeed, S. S. Hamilton wrote to him from the Indian Office, June 7, 1831: "It is proper to add that with Intruders on the Indian lands within the limits of those states which have assumed jurisdiction over the country, it has been determined (as I believe you are already apprized) that the General Government has not the power to interfere, particularly by military force, for their removal." ("Indian Office Letter Books," Series II, No. 7, pp. 267–268.) Robb modified this statement a little later (Robb to Montgomery, July 31, 1832, "Indian Office Letter Books," Series II, No. 9, p. 107), and United States troops, when sent, appear to have treated the whites much more roughly than they did the Indians. ("Nashville Republican and State Gazette," October 23, 1830; Letter of January 17, 1831, to Col. Hugh Montgomery, "Cherokee Emigration Papers," Indian Office MS. Records.)

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since the "aggrieved" persons were frontiersmen, it was "just possible the Indians were not the aggressors." At any rate, the Government could do nothing in the matter of awarding damages out of tribal funds until the Indians as aggressors were regularly convicted and identified, and on something other than interested testimony.[a] Much of the evidence was circumstantial, much of it of a kind wholly inadmissible in a court of law. Hogs missed and no bones found in the woods were not proof that Indians had done the mischief.[b]

With the development of Jackson's "force" policy, Indian removal became a party question, something that it never, strictly speaking, was before, and many religious denominations in the country ranged themselves against it. The Baptists, at least certain missionaries of that persuasion in the North, were a great exception. Under the leadership of Isaac McCoy, they were still dreaming of an Indian State, arguing very sensibly that nothing could be worse for the aborigines than the excitement under which they were then laboring. The old-time trust could never be restored so long as they were daily subjected to new instances of insincerity. The Episcopalians and the Presbyterians, as church organizations, kept well out of the matter, the Methodists were divided, but the Quakers and the Congregationalists stood forth bravely as the champions of Indian rights. Self-interested to a degree they may have been, to be sure, since it was to their advantage to keep the footing already established in the Indian country; yet it stands to reason that much of the feeling was altruistic. Suspicion of having plans diametrically opposed to those of the Government was first directed against their missionaries during the closing years of Adams's Administration,[c] and it increased with time, becoming, indeed, so strong that even a New York society,[d] organized in the summer of 1829 to support the removal policy and with ecclesiastics[e] among its members,[f] was not able, as McKenney anticipated when he gave it his support,[g] to "counteract" it.

[a] Eaton to Forsyth, September 19, 1829, "Indian Office Letter Books," Series II, No. 6, pp. 89–90.

[b] S. S. Hamilton to E. H. Pierce, July 25, 1829, ibid. p. 54.

[c] Report of Secretary Peter B. Porter, November 24, 1828, American State Papers, "Military Affairs," IV: 3.

[d] This society was organized under the name of "The Indian Board for the Emigration, Preservation, and Improvement of the Aborigines of America," and its principal members were the Hon. Stephen Van Rensselaer and the Rev. Eli Baldwin. It worked with the avowed object of supporting the Government in this one phase of its policy—removal. The American Board of Foreign Missions, whose corresponding secretary at the time was the Rev. Jeremiah Evarts, of Boston, was invited to cooperate, but refused. (McKenney to Rev. Eli Baldwin, July 13, 1829, "Indian Office Letter Books," Series II, No. 6, pp. 46–48.)

[e] McKenney reported Bishop Hobart in sympathy with the movement but prevented from taking actual membership by "insuperable difficulties." (McKenney to Baldwin, June 27, 1829, "Indian Office Letter Books," Series II, No. 6, pp. 30–32.)

[f] Baldwin proposed admitting Congressmen as honorary members of the board, but McKenney thought that might be considered "indelicate." (McKenney to Baldwin, October 27, 1829, "Indian Office Letter Books," Series II, No. 6, p. 138.)

[g] McKenney to Baldwin, June 27, 1829, ibid. pp. 30–32; Eaton to Forsyth, September 15, 1829, ibid., p. 86.

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The Twenty-first Congress met December 7, 1829, and on the day following received the first annual message of Andrew Jackson which, as everyone expected, advised removal, and this it did mainly because the rights of sovereign States were being interfered with.[a] Each House referred the matter to its Committee on Indian Affairs.[b] On the 22d of February, Senator White reported a bill calling for an exchange of lands with the eastern tribes; and on the 24th, Representative Bell, one for removal. The report that accompanied each is well summed up by an editorial in "Niles' Register" as an argument that "seems to begin and end with POWER—originally to claim, and now to possess the right of the soil."[c] Both bills were substantially the same in principle, and the House, recognizing that fact, eventually substituted the Senate bill for its own.

The progress of these two bills in Congress called out much party feeling; for, in spite of what Jackson had said in his message as to his intention not to use force, the whole country knew that every measure yet taken gave it the lie. Removal under the direction of the Georgians and the Jackson party generally could be nothing more or less than compulsory. Therefore philanthropists and the friends of Adams took issue against it. It was pretty nearly a case of North against South, but not quite. Petitions to Congress, praying for a recognition of Indian rights, were almost innumerable,[d] and they came from colleges such as Amherst, from religious and benevolent societies, from the whole State of Massachusetts,[e] and from communities in Ohio, New Jersey, Pennsylvania, Virginia, New York, and Maryland. Counter petitions, considerably fewer in number, came from the Baptists, from the New York board, and from communities in Ohio, Indiana,[f] and Pennsylvania.

The Senate bill came up for debate the 6th of April, and almost daily thereafter, until its passage on the 26th, was the main topic of discussion in Committee of the Whole. Frelinghuysen, of New Jersey, and Sprague, of Maine, were its great opponents; White, of

[a] Richardson, II: 456–459.

[b] The Senate committee consisted of White of Tennessee, Troup of Georgia, Hendricks of Indiana, Dudley of New York, and Benton of Missouri; the House, of Bell of Tennessee, Lumpkin of Georgia, Hinds of Mississippi, Storrs of Connecticut, Hubbard of New Hampshire, Gaither of Kentucky, and Lewis of Alabama.

[c] "Niles's Register," XXXVIII: 67.

[d] Index to Senate and House Journals, Twenty-first Congress, First Session.

[e] The Administration papers in the South took great exception to this unwonted zeal of Massachusetts, and even the "Boston Statesman" rebuked her, suggesting that "the ladies and gentlemen," who met first at the State House and then at Faneuil Hall to protest against the injustice of Georgia, should "look at home, at their own doors, if they" wished "to find opportunities for the exercise of their humanity, and to do justice to the 'small remnant' left of those they themselves have so deeply wronged, before they" traveled "to Georgia to dispense their favors."

[f] A separate bill for the removal of Indiana tribes was before Congress, consequently one would expect that State to favor the Government policy.

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Tennessee; McKinley, of Alabama, and Forsyth, of Georgia, its advocates. The whole range of Indian history was covered. Once in a while sectional feeling crept in, as when a doubt arose as to whether consolidation west of the Mississippi would not necessarily involve a violation of the compromise of 1820, unless, indeed, the southern tribes with their slaves were removed with strict reference to parallel lines of latitude, a thing which had not previously been the case.[a] Most of the arguments, however, turned on State sovereignty, and were strongly reasoned. There was much to be said for Georgia. Her course was violently aggressive; but at bottom it proceeded from the same causes that had eventuated in the extermination of the New England and in the expulsion of the several northwestern tribes. The resisting power of the Cherokees was, however, greater than that of the Narragansetts. Without going further into details, we may conclude with Benton that Indian exchange was in the Senate "one of the closest and most earnestly contested questions of the session, and was finally carried by an inconsiderable majority."[b]

The House bill, which contemplated, not simply exchange, but removal in express terms, went to a Committee of the Whole on the state of the Union, and was not reached on the Calendar until the Senate bill had come to the House for concurrence. It was soon dropped by common consent and a debate started on the other, May 13, 1830, which was, perhaps, even more exciting than its predecessor in the upper House. With admirable forensic power, Storrs, of New York, exposed the fallacy of pretending to remove the Indians for their own good from a community where they had pleasant homes, churches, and schools, to a wilderness where roamed hostile tribes scarcely emerged from savagery.[c] He next attacked the President for embarrassing Congress by presuming to deliver an opinion

[a] This argument had come up at intervals during the years since Monroe first advocated consolidation in the Southwest.

[b] "Thirty Years' View," I: 164.

[c] The drift of southern argument in both Houses, aside from asserting the supremacy of the State, was to convince the popular mind that removal was the best thing for the eastern tribes, and the Administration supported the view. Indeed, McKenney's report on Indian civilization ("Indian Office Letter Books," Series II, No. 6, March 22, 1830), sent to the Senate in compliance with the resolution moved by Frelinghuysen on the 25th of January (Senate Journal, p. 101), was evidently intended to minimize the progress of those East and exaggerate that of those West, and this in spite of the fact that McKenney had secured information to the contrary from such men as the Rev. Cyrus Kingsbury, February 8, 1830, and had seemed to concur in it. (McKenney to Kingsbury, March 8, 1830, "Indian Office Letter Books," Series II, No. 6, pp. 315–316.) The Senate compared McKenney's report of March 22 with earlier reports from his pen and mercilessly exposed the inconsistencies and contradictions. (McKenney to Forsyth, April 1, 1830, "Indian Office Letter Books," Series II, No. 6, p. 361.) The charge of misrepresentation made by the Cherokee "Phoenix," June 10, 1829, was just as applicable in the spring of 1830 as it was at the date of publication. The statistics that appeared in the "Missionary Herald," XXIII: 116, are probably more reliable than McKenney's, because based upon data that were furnished in 1826, before the conduct of the missionaries had become the subject of criticism.

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as to the extent of State authority before the nation, through its representatives, had been consulted—thus rendering the intercourse laws a dead letter on the statute books and virtually annulling Indian treaties, some of which he had personally negotiated. He had arrogated to himself, said Storrs, power that had never been conceded to the Executive; for when once a treaty is fixed and adopted as the supreme law of the land the President has no dispensing power over it. He can not override it by an "order in council" or supersede it by giving to his own proclamation the force of law.[a] Lumpkin's attempt at rebuttal was a failure. In a speech, marked by much false sentiment, he appealed to sectional prejudices, attacked religious denominations of the East, and made a most absurd profession of regard for the red race. Ellsworth, of Connecticut, took a stand on the old position. He was not opposed to removal per se, but he was opposed to the present method of enforcing it. It was very plain, their own statements to the contrary notwithstanding, that the South and Southwest were actuated by mercenary motives, and that this bill was but a part of a united effort to expel the aborigines from their possessions. It was advocated upon principles at war with the national policy, for usage had fixed the Indian status, and it was not within the province of the President to change it.

These three speeches were typical of the many that were given in the House as long as the debate lasted, which was until the 18th of May, when Wickliffe, from the Committee of the Whole, reported the bill with amendments. These were accepted on the 24th. On the 25th, the bill was called up for its third reading, and Hemphill, of Pennsylvania, moved that it be recommitted to the Committee of the Whole, with instructions to strike out all but the enacting clause and substitute provisions insuring a voluntary removal only.[b] Trouble then arose over the call for the previous question which, by the casting vote of the Speaker, prevented further action for that day. On the 26th, the vote on the passage was taken and stood in favor of the affirmative, 102 to 97.

The bill was immediately returned to the Senate for concurrence in the House amendments. Frelinghuysen seized the opportunity to offer an additional one in the shape of protection from the States until removal. It was lost. He then asked that treaty rights be respected until removal, and lost again. Sprague next took up the cudgel to insist that treaties be executed according to the true intent and meaning thereof, and was voted down, as was also Clayton, of Delaware, who wanted the new act to apply to Georgia only.[c] With-

[a] "Gales and Seaton's Register," vol. VI, Part 2, pp. 996–1003.
[b] "House Journal," p. 716.
[c] Senate Journal, pp. 328–329.

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out more ado, the Senate agreed to the amended bill,[a] and on the 28th it was approved by the President.

From a textual point of view, the act [b] just passed was a very ordinary affair. It implied no new departure from the policy that had been pursued for years, except that there would be no longer any necessity for individual communities to apply for an extinguishment of Indian titles, since the President was authorized to offer an exchange of lands to any of the tribes "now residing within the limits of the states or territories." There was not the slightest hint at a compulsory removal. Why, then, the bitter disputes in Congress and why the alarm among the Indians? We shall soon see.

In the course of the winter, both the Creeks and the Cherokees had memorialized Congress in defense of their treaty rights as against the extension of State laws, but without effect. Jackson and the Georgians had triumphed. The object of extension was to force removal,[c] and Jackson's attitude toward extension was so well known that there was not the slightest doubt as to the way he would execute the new law. As soon as it was passed, therefore, the Cherokee delegation in Washington listened to the advice of such men as Webster and Frelinghuysen [d] and prepared to seek redress in the Federal courts. They employed Ex-Attorney-General William Wirt as chief counsel, who began action by suggesting to Governor Gilmer, his relative by marriage, the making of a test case to be heard in the Supreme Court that should determine the constitutionality of the Georgian procedure.[e] The idea was rejected with scorn.[f] Left to his own devices and hesitating much about assuming so great a responsibility, Wirt resolved to move the Supreme Court for an injunction, restraining the execution of State laws within the Indian country.[g]

Meanwhile Jackson and Eaton devised a plan of their own for an immediate execution of the law of May 28. Their holidays were to be spent in Tennessee, and they notified each of the four great southern tribes that they would confer with delegates there. The Creeks and Cherokees were not ready to treat, for their hopes were fixed

[a] Pryor Lea, writing May 27, 1830, thus reflects the interest felt in a measure toward which events had so long been tending; "The Indian Bill finally passed both Houses—, after one of the severest struggles that I have ever witnessed in Congress * * *. All the avowed opponents of this Administration in the House, with one honorable exception, Colonel Dwight of Massachusetts, united against the bill. The bill finally passed the House by a majority of five; but on preliminary questions we were tied three times, and the Speaker decided in our favor. On the decision of this question depended some consequences of awful importance * * *." ("Knoxville Register," June 9, 1830.)

[b] 4 United States Statutes at Large, 411.

[c] Governor Gilmer confessed as much in a letter to Judge Clayton, June 7, 1830, Gilmer's "Georgians," p. 355.

[d] Kennedy's "Wirt," II: 254.

[e] Wirt to Gilmer, June 4, 1830, Gilmer's "Georgians," p. 347.

[f] Gilmer to Wirt, June 19, 1830, ibid., p. 350.

[g] Wirt to Judge Carr, June 21, 1830, Kennedy's "Wirt," II: 253–258. Madison to Wirt, October 1, 1830, ibid., p. 260.

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upon Wirt and the Supreme Court.[a] The Chickasaws appeared in due season, and Jackson,[b] together with Eaton and Coffee, whom he had commissioned for the purpose, personally addressed them,[c] emphasizing the Federal inability to prevent the extension of State laws. This was their last chance. If they refused the Government offer now, their Great Father would leave them to shift for themselves; and if they found it impossible to exist under the municipal laws of Mississippi, they would have to seek a new home in their own way and at their own expense. The Chickasaws had professed some months before a willingness to emigrate, provided they could find a suitable country,[d] and, upon that contingency, they consented August 31–September 1, 1830, to a provisional treaty of removal.

Tribal differences and the inattention to duty of Agent Ward prevented the Choctaws from appointing delegates in time to meet Jackson at Franklin.[e] Eaton, therefore, in defiance of the criticism that was being hurled at "the strolling Cabinet," repaired to Mississippi, where, "after thirteen days of the most fatiguing duty,"[f] he and Coffee managed[g] to bring the Choctaws to terms in the treaty of Dancing Rabbit Creek, September 27, 1830.[h] The Choctaws ceded all their eastern lands except such small reservations[i] as might be selected[j] by individuals who preferred citizenship to emigration, and

[a] Eaton to Jackson, August 18, 1830, "Jackson Papers."

[b] Jackson was much criticised in Opposition prints for thus negotiating in person, it being pertinently asked whether he were acting as President or as Indian commissioner.

[c] "Jackson Papers," August 23, 1830; "MS. Journal of the Commissioners," pp. 3–7; Indian Office MS. Records.

[d] "MS. Journal of the Commissioners," "Indian Office MS. Records." For the original unratified document see "Treaty Files," 1802–1853, "Indian Office MS. Records."

[e] They were advised the first of June that if they wanted to make a treaty they should send a deputation to Tennessee to meet their "Great Father." (Eaton to Choctaws, June 1, 1830, "Indian Office Letter Books," Series II, No. 6, pp. 439–441.)

[f] "Nashville Republican and State Gazette," October 6, 1830.

[g] The missionaries were denied admission to the treaty councils, "MS. Journal of the Commissioners," Indian Office MS. Records.

[h] 7 United States Statutes at Large, 333.

[i] "Indian Land Cessions in the United States," p. 727.

[j] This provision was the substance of the notorious fourteenth article, concerning which Greenwood Leflore, in 1843, made the following deposition before the commissioners, John F. H. Claiborne and Ralph Graves, appointed by the United States to investigate the alleged frauds against the Choctaw Nation:

"To the 5th interrogatory, I answer that I was one of the chiefs who negotiated this treaty on the part of the Choctaws, and am sorry to say that the benefits realized from it by my people were by no means equal to what I had a right to expect, nor to what they were justly entitled by the stipulations of the treaty on the part of government. The treaty was made at the urgent solicitations of the commissioners of government, and upon their abundant assurances that its stipulations would be faithfully carried out. Confiding in these assurances and in the honor of government to comply with the treaty, if it should be ratified at Washington, and conceiving it, under the circumstances, a measure of policy, if not of necessity, so far as the Choctaws were concerned, I urged it upon my people, in the face of a strong opposition, which I finally determined, if possible, to remove by suggesting the insertion of the 14th article. This article was accordingly inserted, and believing it removed the principal objection to the treaty, I signed it myself, and procured for it the support of many who were previously hesitating and undetermined. After the treaty was ratified I was active in urging forward the emigration of the people, and induced most of those in the part of my district where I resided

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in return gained not a single acre of western territory over and above that which their tribe already possessed; but they did gain what was of infinitely greater moment just then, though experience ought to have warned them that it was worthless, a promise that no State or Territory should ever circumscribe them again.[a]

The appointment of Col. James B. Gardiner as special agent to treat with the tribes of Ohio was the initiatory step in the execution of the Removal Act outside the southern belt.[b] The results of his mission came out for the most part in the spring and summer of 1831.

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to remove west. I think there were very few in the vicinity of my residence who applied for the benefit of the 14th article, and the most of them, I think, were duly registered and got their lands reserved. This article was inserted to satisfy those in the southern part of my district and other parts of the Choctaw country who were opposed to the treaty and were inimical to me, from an impression which prevailed among them that I wished to sell their country and force them to go west. After the treaty I did not consider myself any longer chief, and as I was engaged in preparing the people for the first emigration, and actually accompanied it, my intercourse with the Indians was confined to those in my part of the country who sustained me in my course & were preparing to remove west, & I never troubled myself about the course pursued by those who had been opposed to my measures—had rejected my advice—and were determined to remain in the ceded country. I do not, of course, know how many of them applied for the benefit of the 14th article. Before closing my answer to this interrogatory I think it proper to state that about three years after the treaty I was present at Columbus during the excitement which arose there at the time of the land sales about the contingent locations of the 14th article claimants & hearing a remark made by one of the agents of these claimants in a public speech to a large assembly of people charging the chiefs who had made this treaty with bribery & corruption, I rose after he sat down & retorted the charge of fraud in as severe language as I could command. I was excited, & might have said more than was proper, but I felt, in the absence of any positive knowledge on the subject, that I had a right to impute any motives to one who could make such a serious & unfounded charge affecting my character as one of the chiefs who had been mainly instrumental in making the treaty. I knew that the locating agent who lived in my section of country had been furnished with a list containing but few names of persons registered under the 14th art. of the treaty, but did not at that time know that many had applied to the registering agent for the benefit of this article whose applications had been rejected. I have never since then taken any pains to inform myself particularly about their claims, & do not know how many received the benefit of this article or being entitled to the benefit of it failed to realize it. I would also add that *the* commissioners on the part of the United States went to the ground, at Dancing Rabbit Creek, much prejudiced against me, & would have no intercourse with me. They believed they could make a treaty with the other chiefs, without my aid, and attempted to do so. After ten or twelve days of fruitless negotiations with them failed entirely to make any treaty. The commissioners then came to me, & made many apologies for their neglect of me, saying they had been deceived and misled in regard to me, by many misrepresentations, & then solicited me to enter into negotiations with them. I then told *if* they would embrace in the treaty such provisions and articles which I suggested, the fourteenth article being one of them, I would undertake to make a treaty in two days. They agreed to the articles I suggested, and in twenty-four hours I had the treaty made." (Case of Choctaw Nation *v.* the United States, pp. 430–431.)

[a] Art. IV. "The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State. * * * ."

[b] It will be remembered that the only Indian lands remaining within Ohio were comprehended within detached reservations, and the desire to have the title to these extinguished seems to have come not so much from the white people as from the Indians themselves. McKenney in 1829 tried to draw a general inference from this that the common Indians everywhere east of the Mississippi were anxious to remove. (McKenney to Rev. Eli Baldwin, October 23, 1829, "Indian Office Letter Books," Series II, No. 6, pp. 132–136.)

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In all he negotiated, sometimes with the assistance of Agent McElvain, five treaties of exchange;[a] but in connection with the last four his character and methods were so open to question that Ewing, of Ohio, moved in the Senate for an inquiry into the genuineness of the documents presented for ratification.[b] The Quakers were the chief accusers. Sub-agent David Robb was interrogated by the Committee on Indian Affairs,[c] but nothing more could be gleaned from him than that

[a] (1) Treaty of Washington with Senecas living within the counties of Seneca and Sandusky, February 28, 1831, 7 U. S. Stat. at L., 348.

(2) Treaty of Lewistown with Wyandots, Senecas, and Shawnees, living within the county of Logan, July 20, 1831, ibid., p. 351.

(3) Treaty of Wapaghkonnetta with the Shawnees in Allen County, August 8, 1831, ibid., p. 355.

(4) Treaty with the several Ottawa bands of Blanchard's Fork, Oquanoxa's Village, Roche de Boeuf, and Wolf Rapids, August 30, 1831, ibid., p. 359. Concerning this treaty Gardiner sent in the following brief report to the Secretary of War:

TIFFIN, OHIO, *Sept. 2d, 1831.*

SIR:

I have the gratification to accompany this letter with the "Articles of Agreement and Convention" concluded at Miami Bay, in Michigan Territory, on the 30th ultimo, with the *Ottawa* Indians, residing in this State, for a cession of all the lands owned by them in Ohio, amounting to nearly 50,000 acres.

I will make another and more detailed official communication on this subject, so soon as the impaired state of my health will permit.

I have the honor to be, with great respect,

Yr. mo. obt. Servt.

JAMES B. GARDINER.

Hon. LEWIS CASS,
Secy. of War.

("Treaty Files," 1802–1853, Indian Office MS. Records.)

(5) Treaty of McCutcheonsville with the Big Spring Wyandots, living within Crawford County, January 16, 1832, 7 U. S. Stat. at L., p. 364.

[b] "Jackson Papers," January 16, 1832.

[c] David Robb's communication to H. L. White, chairman of the Committee on Indian Affairs in the United States Senate, embodying his replies to the questions put to him, was transmitted by Mr. Haywards to Jackson, February 7, 1832, and is to be found among the Jackson Papers of that date. Jackson thought Robb's answers placed Ewing in a disgraceful situation; but the missionary reports of the time would indicate that Gardiner's methods were really blameworthy and that the Ohio Indians were far from being as ready to emigrate as McKenney informed Baldwin they were. This is what he wrote under date of October 23, 1829: "The State urges not their removal—indeed great efforts were made in Congress by representatives of this State to keep away every sort of influence from operating upon the Indians within it, tending *in the slightest degree*, to their emigration. There, too, they are really comfortable. The Wyandotts are well off—and most of them would make good Citizens. It is fair to presume therefore that these Indians are satisfied and will remain. But it is not so. They are now, the Delawares and Shawnese, seeking for the ways and means to go; and even the Wyandotts, it is the opinion of the Agent, (McElvain) are inclined to go also; and in five years, he believes, there will not be one Indian in Ohio! Whence comes this? Of that unconquerable antipathy, I answer, of the red to the near neighborhood of the white men. And much of this arises from that conscious inferiority of which the former is never, for a moment, relieved * * *." ("Indian Office Letter Books," Series II, No. 6, pp. 132–136.)

The missionary reports were quite different. "The prospect of doing good," said one, "at this place [Wauppaughkaunetta] was soon after [i. e. after Miss Newell established her school at Shawnee request] blighted by an attempt to purchase their land, and induce the Indians to remove to a country west of the Mississippi river. The agent, who was commissioned to conduct the negociation, after rehearsing to the Shawnees the fate of the Cherokees, and stating that these were the last proposals the government of the United States would ever make to them, and presenting various other motives, at last obtained their assent to the proposed treaty. Miss Newell, who was present at the

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Gardiner greatly enlarged upon the danger of staying within the limits of Ohio. He was not prepared to vouch for the authenticity of the treaties, because he was not acquainted with the Seneca and Shawnee tongues. The treaties were duly proclaimed April 6, 1832, and Gardiner was reassured of Jackson's trust by being appointed [a] superintendent of the removals that were to take place under them.[b]

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council, and witnessed all the proceedings, gives the following account of the distressing despondency manifested by the headmen. The date is June 29 (1831). 'One of the chiefs said it was a tough, hard case, to give his people up to come under state laws without being permitted to vote, or having their civil oaths regarded before a magistrate; it would be as bad as to give themselves up to have their throats cut; for he could easily conceive of their being driven to desperation, and immediately committing outrage that would bring them to the gallows; and it was a tough, hard case, to decide to go, but as there was no alternative, they had better be reconciled to go. * * *

"'The old men sat in council, looking each other in the face, and mourning over their fate from Monday morning until Tuesday night. They sat and talked all night long, and parted with no better state of feeling than when they came together. * * * They had thought for years past, that there would be no hope for them; only by their conduct pleasing the white people so well, that they would not wish them to move away. This they had endeavored to do, had made up their minds to encourage schools, attend to agriculture, and examine the religion of the bible; but they now saw it would be all in vain. * * * They said the president had offered to build them school-houses and a meeting-house beyond the Mississippi, but if they went, they should abandon the whole, build their own council-house, and worship the great spirit in their own way.'" ("Missionary Herald," December, 1831, XXVII: 387–388.)

Another report was: "But after the negociation with the Shawnees (1831) had been completed, overtures of a similar character were made by the same agent to the Ottawas. At the first council of the Indians held for this purpose, they appeared determined to retain their land and remain where they were, and decidedly refused the offers made them. Another council was, however, called, and after having been continued a number of days, a portion of the Indians were induced to assemble in general council on the Sabbath, and sign a treaty by which they sold all their land in Ohio. Many protested against the treaty, but without effect." ("Missionary Herald," December, 1831, XXVII: 338.

And still another, this from Mr. Van Tassel, September 29, 1831: "At the time of the treaty, they prevailed on about half of those at Blanchard's Fork and a small party on the Oglaze to go west of the Mississippi, in all about fifty men. The others refused to go, and will probably remain here for the present * * * since they have had time to reflect upon what they have done, they appear to be very much cast down. * * * Since the treaty, some of the Indians have said they will never leave this country; if they can find no place to stay, they will spend the rest of their days in walking up and down the Maumee, mourning over the wretched state of their people. Some have said they would place themselves under our protection, and stay by us as long as we remain * * *." ("Missionary Herald," December, 1831, XXVII: 388.)

[a] Cass to James B. Gardiner, May 17, 1832, "Indian Office Letter Books," Series II, No. 8, pp. 397–398.

[b] The Big Spring Wyandots did not accept an exchange of land west of the Mississippi, but declared their intention of going northward, perhaps to Canada. Gardiner, therefore, had nothing to do with their removal. Two-thirds of the original Wapaghkonetta band of Shawnees had already removed from Ohio by 1829. (McKenney to John Johnston, April 29, 1829, "Indian Office Letter Books," Series II, No. 5, p. 425.) An act of Congress of March 2, 1829, appropriated $600 for negotiating with the Delawares of Ohio (McKenney to John McElvain, June 8, 1829, ibid., No. 6), and a treaty was concluded at Little Sandusky August 3rd of the same year. (7 U. S. Stat. at L., 326.) The unexpended portion of the appropriation was used to defray the costs of their removal. (McKenney to McElvain, August 29, 1829, "Indian Office Letter Books," Series II, No. 6, p. 75.) The Jackson Papers show that a good deal of discussion took place over the best way to remove the various Ohio bands. During the progress of the treaty negotiations, the Indians were promised transportation in wagons; but Gardiner preferred their going on horseback (Gardiner to Gen. George Gibson, July 31, 1832; Lieut. J. F. Lane to Gen. George Gibson, July 31, 1832); while economy argued for a water route, to which the Indians were unalterably opposed. A few score of Indians remained in Ohio. (W. K. Moorehead, "The Indian Tribes of Ohio" in "Ohio Arch. and Hist. Soc. Quar., VII: 108.)

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Wirt's motion for an injunction came up for a hearing before the Supreme Court on the 5th of March,[a] and, to the discomfiture of the Cherokees and gratification of the Southerners,[b] was dismissed for want of jurisdiction, it being the opinion of the bench, Justices Story and Thompsan dissenting, that an Indian Nation was not a

[a] Cherokee Nation *v.* Georgia, 5 Peters, 1–80.

[b] "The Knoxville Register," July 21, 1830, and August 18, 1830, quoting from "The Louisville Public Advertiser," gives a good idea of the way in which Wirt's "wicked and unprincipled project" was regarded in the South. "We are thus convinced that Mr. Wirt and his employers can have but one object in view—and that is, to increase the excitement that has been got up on the Indian Question. They may hope to enlist the Supreme Court in their behalf, and to procure a decision adverse to the sovereignty of Ga. and to effect thereby, in the sequel, a severance of the Union. They are aware that Ga. will not surrender her rights as a State without making a manly and patriotic effort to defend them, and that, should they be forced to resist a decree of the federal judiciary, they would not stand alone in the conflict. Thus under pretense of sustaining the pretension of the Cherokees to sovereignty and independence, the opposition are obviously striving to overthrow the State governments or to dissolve the Union. The treason of Arnold, though more palpable, was not more reprehensible or base." The "Kentucky Gazette" offered something of the same tenor when it said that the idea of Indian sovereignty was in every sense a "new-fangled doctrine" and had never been contended for until the law for the removal of the Indian tribes was made a pretext for opposing the Administration. ("Nashville Republican and State Gazette," November 13, 1830.)

Jackson's personal views were expressed in a memorandum to Cass as follows: "The case of Johnston & McIntosh (8 Wheaton) has settled, that the North American Indian tribes, east the Mississippi are a conquered & dependent people—that their hunting grounds were subject to be granted and that the Indian tribes had no right to grant to Individuals. There they are dependent, not on the Federal power in exclusion to the State authority where they reside within the limits of a State, but to the sovereign power of the State within whose sovereign limits they reside. No feature in the Federal constitution is more prominent, than that the general powers confered on congress, can only be enforced, & executed upon the people of the union. This is a government of the people. 1st. The House of Representatives are their immediate representative or agent. 2nd. The senate is their agent elected in the sovereign State assemblies. 3rd. The President is their agent elected by their immediate agents, the Electors. Who does these represent? The people of the *Union* as law makers—over whom does their jurisdiction extend? *Over* the *people* of the *union*. Who are the people of the union? All those subject to the jurisdiction of the sovereign States. None else, and it is an idle feeling that can advocate any other doctrine—or a total ignorance of the real principles upon which our federal union is *based*. An absolute independence of the Indian tribes from State authority can never bear an intelligent investigation and a quasi-independence of State authority when located within its Territorial limits is *absurd*.

"If the Indians were not subjects of the State within whose Territorial limits they were, what right had the General Government to accept cessions of Territory that the States had no right to? What right had Virginia nor Carolina &c to pay part of the claims which was encurred in the revolution struggle by grants of land within her territorial limits & in the actual occupancy of the Indians & afterwards cede the same country to the United States—If the Indians were an independent people, then these grants are void, & the titles granted in Kentʏ, Tennessee & parts of Ohio are void— Such a doctrine would not be well relished in the west by those who suffered & bled so freely by being the first pioneers to enjoy the land so dearly bought by their privations in the revolutionary struggle.

"I have rose from my couch to give you these crude & undigested thoughts, that if you see Mr. Bell you may give him the ideas tho crude, he can digest them—We have acted upon these principles, they are *sound* and are such upon which our confederated *union* rests—I cannot abandon them. I will thank you to preserve this and return it to me— it may be of use hereafter to guard my consistency.

"Very respectfully yours

"ANDREW JACKSON

"Govʳ. CASS,
"*Secretary of War.*"
("Jackson Papers," 1831.)

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foreign State within the meaning of the Constitution, and therefore could not bring a suit that would be cognizable by the Supreme Court. Governor Gilmer viewed the whole proceeding with the contempt he thought it deserved. Even had judgment been rendered, unless, perchance, it were not adverse to Georgia, it is not likely he would have concerned himself with it, since only two months before, sustained by the legislature, he had ignored a citation to appear before the same tribunal and show cause why a sentence delivered by a Georgian court against a Cherokee Indian should not be reversed.[a]

The dismissal of Wirt's case was a great disappointment to others besides the Cherokees.[b] The Creeks were utterly discouraged. Then falling back once more upon treaty guaranties they renewed their plea for protection and were told, "You are within the limits of Alabama which is an independent State, and which is not answerable to your Great Father, for the exercise of her jurisdiction over the people who reside within her limits."[c] Still persistent, they asked to be allowed to send a delegation to Washington. Many of their people were starving. The method of distributing their annuities had been changed without consulting them,[d] and Agent Crowell was holding back a large sum wherewith to pay judgments allowed in Alabama courts in suits brought against the Indians by white people.[e] Permission to come to Washington was granted only on one condition, that the delegation be fully empowered to treat "in conformity with the wishes of the Government."[f] The delegation came,

[a] Corn Tassel, a Cherokee, murdered a tribesman within the limits of the Indian country and was taken before the superior court of Hall County, Georgia, for trial. He was found guilty and sentenced to death. The Cherokees appealed the case on a writ of error to the United States Supreme Court—hence the citation to Governor Gilmer; ("Niles's Register," XXXIX: 338); but before the case could be reached on the Supreme Court docket the sheriff was instructed to execute the sentence of the local tribunal. (Chappell, p. 297.)

[b] The Chickasaws were particularly disappointed. Scarcely was the treaty of August, 1830, negotiated, than they showed signs of discontent and seemed determined not to remove willingly. ("Missionary Herald," December, 1830, vol. 26, p. 383.) The exploring delegation did, however, start for the West in the autumn (Ibid., January, 1831, vol. 27, p. 45), and in course of time returned with a favorable report of the land visited. (Ibid., November, 1831, p. 352.) Against this, however, were the earlier adverse decisions of individual Chickasaws who had gone West for their own satisfaction. Much undecided as to what course to pursue, the common Indians abandoned themselves to dissipation, and were only restrained by the hope that their land would be saved to them either by the decision of the Supreme Court ("Missionary Herald," October, 1832, 28: 334) or by the failure of a final delegation to find a suitable country in the West next to that of the Choctaws.

[c] Eaton to Creeks, May 16, 1831, "Indian Office Letter Books," Series II, No. 7, p. 226.

[d] This was done by Executive order, because, as Cass explained, February 10, 1832 ("Indian Office Letter Books," Series II, No. 8, pp. 88–89), it was only fair, if the whole tribe owned the land in common, that chiefs, warriors, and common Indians should all share alike. Wirt was of the opinion that the change was made in order to prevent the chiefs of the southern tribes from having any funds with which to prosecute a suit in the Federal courts.

[e] S. S. Hamilton to Crowell, October 6, 1831, "Indian Office Letter Books," Series II, No. 7, p. 423.

[f] Hamilton to Crowell, October 5, 1831, "Indian Office Letter Books," Series II, No. 7, p. 422.

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and Cass had but one answer to their cry of distress—removal.[a] At length he succeeded in negotiating a treaty with them whereby for a pecuniary consideration their tribal rights east of the Mississippi were extinguished.[b] Such as chose might select land in severalty; the others were to take their own time and remove westward at the Government expense. The fourteenth article contained a guaranty of integrity as against the operation of State or Territorial laws similar to that given to the Choctaws.

The reader will begin to think that the execution of the Removal Act was proving to be a very easy matter—not so. In Illinois all was confusion. For many years trouble had been brewing with the Sacs and Foxes of Mississippi, or with such of them as constituted the "British Band of Rock River." In 1804 the confederated tribes had made a treaty[c] of limits with Governor Harrison which they had confirmed in 1816[d] without making any specific reference to its substance, and again in 1822 and 1825. The white men interpreted those agreements to mean a relinquishment of all territorial claims east of the Mississippi; but the Indians disagreed. Indeed, they denied that the original treaty of 1804, as read to them, had ever contained any such stipulation. They had never sold any land north of the mouth of Rock River.[e] Until about 1827 they were allowed to reside on the disputed tract, for the most part unmolested, a right which could have been counted theirs under all circumstances; for, by a clause in the seventh article of the treaty of 1804, they were to be allowed to live and hunt upon the ceded land as long as the United States held it as public property. Squatters had come at intervals since the summer of 1823[f] and had made more or less trouble, but there were no bona fide preemptioners. Even as regarded other Indians, the occupation by the Sacs and Foxes was not exclusive, but was shared to a greater or less extent by the Kickapoos, Chippewas, Pottawatomies, and Winnebagos.[g] Governor Edwards was determined to get rid of them all,[h] and, apprehensive of this, the tribes became restless, especially as the white people threatened to take by

[a] Cass to Nehoh Mico and other Creek chiefs, November 1, 1821, "Indian Office Letter Books," Series II, No. 7, pp. 446–448; Same to Same, January 16, 1832, Ibid., No. 8, pp. 15–17.

[b] March 24, 1832, 7 United States Statutes at Large, 366–368.

[c] 7 United States Statutes at Large, 84–87.

[d] Ibid., pp. 141–142. The Sacs and Foxes who had emigrated to Missouri confirmed it in 1815, ibid., p. 134.

[e] Letter of Forsyth, May 24, 1828, Clark's Report on the Causes of the Black Hawk War, among "Jackson's Papers."

[f] Thwaites, p. 8.

[g] The three tribes last mentioned had doubtless a better claim than the Sacs and Foxes to at least some of the disputed land (treaty of Prairie du Chien, August 19, 1825, 7 U. S. Stat. at L., 272), but the claims of all were equally untenable in the eyes of Governor Edwards.

[h] Superintendent to Forsyth, May 29, 1829, Clark's Report.

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force the Cosh-co-cong mines, which belonged unquestionably to the Winnebagos.[a]

Affairs went from bad to worse. Each winter the Sacs and Foxes went off on their annual hunt, and each spring returned to find the unmistakable evidences of some new encroachment. On one occasion a whole village was seized, the cornfields enclosed, and the lodges torn down.[b] Agent Forsyth endeavored to pacify the despoiled owners who, though enraged and fiercely determined to secure their rights in the ejectment of the squatters, attempted as yet no violence. They did, however, boast of what they would do in the event of failure, and declared that other tribes of the Northwest were ready to combine with them against the Americans.[c] From this time on the Sacs and Foxes were divided into two hostile camps, Keokuk's and Black Hawk's. The Keokuk faction was inclined toward peace and promised that it would move West as soon as its individual members had gathered their crops. With this peaceful retirement in prospect, the Department of War requested the leniency of the governor of Illinois for one year more.[d] It was a case, however, of holding out the olive branch with one hand and stabbing with the other; for within a fortnight it had consented to a new plan of irritating the Indians by permitting Clark to instruct Menard[e] "to feel the Sacs and Foxes upon the subject of a cession of their mineral lands west of the Mississippi."[f]

When the year of grace had almost expired, Forsyth again broached the subject of removal.[g] Keokuk said he had done his best "to persuade the mutinous Indians to leave," but they would not. Shortly afterwards they themselves promised that they would give a definite answer as soon as their chiefs and braves, who had gone on a journey to the Winnebagoes, had returned. Forsyth thought this was only a pretext to gain time and urged a display of military force.[h] The Government dilly-dallied and contented itself with threats,[i] meanwhile finishing the negotiations for a cession West.[j] Spring and summer passed, and when autumn came the Indians of the British band went on their winter hunt, intending to return as

[a] Superintendent to Forsyth, June 23, 1828, ibid.
[b] Same to same, May 17, 1829, ibid.
[c] Same to same, May 22, 1829, ibid.
[d] McKenney to Clark, June 17, 1829, "Indian Office Letter Books," Series II, No. 6, p. 18.
[e] July 4, 1829, Clark's Report.
[f] These were the Dubuque mines which the General Government was anxious to possess, partly for their own value and partly for the purpose of forcing the Indians back from the river (McKenney to Clark, June 9, 1830, "Indian Office Letter Books," Series II, No. 6, p. 469), out of reach of the illicit traffic in spirituous liquors which had not a little to do with their hostile attitude.
[g] Forsyth to Superintendent, April 28, 1830, Clark's report.
[h] Same to same, April 30, 1830, ibid.
[i] Same to same, May 25, 1830, ibid.
[j] Treaty of July 15, 1830, 7 United States Statutes at Large, p. 328.

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usual,[a] which they did; but with at first, as far as the agent could make out, no hostile disposition, except such as might be implied by a determination to keep their territory north of Rock River.[b] Soon, however, they discovered that it had been surveyed and sold during their absence,[c] and they thereupon threatened to form a coalition against the United States and to destroy the settlements from the Detroit to the Sabine.[d] The intruding white men were seriously alarmed, as well they might be, and assailed Governor Edwards's successor, John Reynolds,[e] with petitions for aid, not scrupling to exaggerate the number of the Indians and their past offenses enormously. In answer to this the militia came, and, while it quelled, with the help of regulars under General Gaines, the present disturbance, provoked new disorders by desecrating the Indian burial ground,[f] which the Sacs and Foxes tried to set to rights, but were prevented from so doing by the settlers. To his credit, be it said, Governor Reynolds did not countenance any of these later proceedings;[g] but, whether sanctioned or not, they angered the already excited Indians. For the time being, however, with the help of General Gaines, they were quieted and withdrew to the western bank of the Mississippi, from whence they were shortly summoned and forced to sign a capitulation, June 30, 1831. Then they went back under a solemn promise never again to return to the vicinity of Rock River.

It was not long, as fate would have it, before Black Hawk's thirst for vengeance against some marauding and murdering Sioux and Menominees brought him once more into unpleasant relations with the United States, whose officers tried to restrain his fury. Incensed at the interference, he lent a ready ear to the evil reports of Neapope, his associate in command, that the British at Malden, together with neighboring Indian tribes or parts of tribes, were to cooperate in an attack upon his enemies. Encouraged by this news, false as it was, Black Hawk left Keokuk and the peaceful Sacs and Foxes on the west side of the Mississippi and, in defiance of the capitulation exacted by Gaines, recrossed with his warlike band to the old camping ground. This was the signal for a renewal of hostilities; but per-

[a] Felix St. Vrain to Superintendent, October 8, 1830, Clark's Report.
[b] Same to same, May 15, 1831, ibid.
[c] Davidson and Stuvé, p. 375.
[d] Reynold's Report of May 29, 1831.
[e] Reynolds lost no time in threatening retaliation should any outbreak occur. He had already warned the Kickapoos and Pottowatomies that if they did not vacate "the ceded land," and any act of hostility were committed on the frontier, he would not wait for the Federal Government but would remove them upon his own responsibility. (Superintendent to Menard, May 31, 1831, Clark's Report.) The Indians protested, because the treaty of Prairie du Chien, upon which Illinois based her title, had been made with factions only, and they, the actual occupants, had not consented to it. (Talks, accompanying Clark's Report.)
[f] Letter of Felix St. Vrain, July 23, 1831, Clark's Report.
[g] Letter to Clark, August 5, 1831, ibid.

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chance they might not have amounted to much, for Black Hawk was soon aware of the falsity of Neapope's report, had not a troop of rangers, under Maj. Isaiah Stillman, violated an Indian flag of truce. The effect was electrical. The maddened Indians routed the half-intoxicated and cowardly aggressors, and then, though handicapped by the presence of wives and children, hurried on, closely pursued by General Atkinson with his regulars, who had come from Jefferson Barracks for the purpose of forcing the surrender of such Sacs as had attacked and murdered the Menominees at Prairie du Chien. Illinois militiamen were also on hand in large numbers. The campaign seemed unduly protracted, and much dissatisfaction with Atkinson's movements was exhibited by the eastern press. Finally, General Scott was ordered to repair to the seat of war; but on the way his army was so ravaged by cholera that the conflict was practically over before he arrived. The glory of victory fell largely to the volunteers. After making more than one brave stand, and leading their pursuers a wearisome chase, the Indians were completely defeated in the memorable battle of Bad Axe, August 2, 1832.[a]

To Governor Reynolds and General Scott was intrusted the task of negotiating the terms of peace, and two treaties resulted, one with the Winnebagoes and one with the Sacs and Foxes. In both cases the entire tribe suffered for the disaffection of the few. The Winnebagoes, who though vacillating and treacherous, had rendered some assistance to Black Hawk, ceded all their claims east of the Mississippi and agreed to retire to the "neutral ground" of Iowa and Minnesota.[b] The Sacs and Foxes, as the greater sinners, were still more harshly dealt with. They surrendered nearly the whole of eastern Iowa, except a comparatively small reserve of 400 square miles, upon which they were henceforth to be concentrated.[c] The exchanges and removals contemplated by these two treaties of Fort Armstrong were to be effected upon the 1st of June, 1833.

With two more tribes disposed of, let us turn to Florida. The execution of the Removal Act was there to result in a far greater war; but there was much to be done before that could be. At the importunity of the Territorial delegate, Joseph M. White,[d] President Jackson commissioned Gadsden to negotiate for the removal of the Seminoles, who were still in dire need and whose wants were to be supplied only on the condition that they would consent to emigrate.[e] Gadsden was to tell them so and that they must unite with the Creeks.[f] A treaty was negotiated at Payne's Landing on the 9th of

[a] Reports of the Commanding Generals, "Jackson Papers."
[b] Treaty of September 15, 1832, 7 United States Statutes at Large, 370–373.
[c] Treaty of September 21, 1832, ibid., p. 374–376.
[d] White to Cass, January 23, 1832, "Miscellaneous Files," Indian Office MS. Records.
[e] Cass to H. L. White, January 30, 1832, "Indian Office Letter Books," Series II, No. 8, pp. 46–48.
[f] Instructions, January 30, 1832, ibid., pp. 48–51.

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May, 1832;[a] but it was not to be considered binding upon the Indians until the exploring party which they were to send West in search of a home had returned and had reported favorably, so far so good. That much accomplished, Gadsden went on and completed his mission, which was to negotiate for a cession of the Appalachicola reservations.[b]

The design of uniting the Seminoles with the Creeks increased the difficulties already existing in the West. The Quapaws, disappointed in their union with the Caddoes, had returned to Arkansas; the Chickasaws had not yet found a country to suit them except within Choctaw limits or beyond the line, in Texas;[c] the Creek and Cherokee boundaries conflicted, as did also the Delaware and Pawnee. To facilitate the Chickasaw removal, Eaton and Coffee had gone West to confer with the Choctaws; for it was believed that their country was large enough to accommodate both tribes comfortably.[d] To adjust the other difficulties, and this one too, should Eaton and Coffee fail,[e] Jackson appointed, under act of Congress, July 14, 1832, three commissioners—Montfort Stokes, governor of North Carolina; Henry Ellsworth, of Connecticut, and the Rev. J. F. Schermerhorn, of Utica, New York.[f]

The acts of this commission were various. For a time the men worked together, and at Fort Gibson negotiated, in the spring of 1833, some treaties of memorable import—one with the Cherokees,[g] another with the Creeks,[h] and a third with the unaccredited Seminole explorers.[i] The first two do not concern us at present, except in so far as the Creeks—their territorial disputes with the Cherokees amicably adjusted—agreed to permit the Seminoles to unite with themselves and

[a] 7 United States Statutes at Large, 368–370.

[b] Treaty of October 11, 1832, and of June 18, 1833, ibid., pp. 377, 427.

[c] The Chickasaw treaty, negotiated in 1830, was to be null and void unless the Indians found a suitable home in the West. That they had not done, and consequently the treaty had not yet been sent to the Senate for ratification. In the spring of 1832 the House of Representatives called upon the President for papers relating to it. (Resolution of February 21, 1832.) It had leaked out that some of Jackson's friends—Coffee, Currin, and Lewis—were beneficiaries under it for a lease of the valuable Salt Lick. Jackson parried the thrust by refusing to produce the papers unless the House intended an impeachment. If Washington could make that an excuse in the case of a ratified treaty, surely he could in the case of an unratified. (Cass to Chas. A. Wickliffe, March, 1, 1832, "Chickasaw Letter Books," Vol. A, p. 3.)

[d] Eaton to Coffee, March 31, 1831, "Indian Office Letter Books," Series II, No. 7, pp. 168–170.

[e] They did fail, but the task did not fall upon the Schermerhorn Commission. So much pressure was brought to bear upon the Administration for a settlement of the Chickasaw lands that it was obliged to commission Coffee to negotiate the treaty of Pontitock Creek, October 20, 1832. (7 U. S. Stat. at L., pp. 380–390.) The Indians sold their lands at a cash valuation and went again in search of a country. It was not until 1837 that the Choctaws consented to receive them. (Choctaw-Chickasaw Convention, January 17, 1837, 7 U. S. Stat. at L., p. 605, Appendix IV.)

[f] It was originally intended to have Governor Carroll, Governor Stokes, and Roberts Vaux, of Pennsylvania.

[g] 7 United States Statutes at Large, 414–416.

[h] Ibid., 417–420.

[i] Ibid., 423–424.

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to locate in a body upon their reserve. The third treaty must go down in the annals as the direct cause of the second Seminole war. It was absolutely unauthorized by the Indians whom it professed to bind. The seven chiefs had been sent West to seek a new home and not to conclude an exchange for one until they had reported to their constituents in Florida. Notwithstanding this, the United States commissioners prevailed upon them to sign a treaty which should complete and practically give force to the earlier one of Payne's Landing,[a] whereby the Indians had provisionally promised to remove within three years from the date of ratification; there was to be the rub. The new treaty specified the limits of the new home. Schermerhorn,[b] whose conduct, as long as we know anything of him

[a] There is a suspicion that even this treaty was not negotiated in a straightforward manner. According to a story current among old Florida settlers, the chiefs themselves did not sign, but young bucks, dressed to impersonate their elders, did.

[b] A letter, written by the Rev. J. F. Schermerhorn to Joel R. Poinsett, Secretary of War, November 11, 1839 ("Miscellaneous Files," 1839–1841, Indian Office MS. Records), conveys the impression that Schermerhorn may not have been so unprincipled by nature as his actions relative to Indian removal would indicate. This is the letter:

UTICA, *11th Nov. 1839.*

To the Honorable
JOEL R. POINSETT
Sec. of War.

SIR.

Having heretofore taken an active, and to me a deeply interesting part, in accomplishing the removal of the Indians from the territorial limits and jurisdiction of the States, and in settling them in a country exclusively their own,—I am exceedingly anxious to see carried into effect those measures for improving their condition and promoting their present and future well being, which were then contemplated by the administration and its friends, and which were held out as inducements to the Indians to remove.

These were to preserve the Red men from further degredation and final extermination and ruin—to secure to them a permanent and peacable home—to deliver them from State oppression & aggressions—to protect them in the enjoyment of all their personal and political rights, which they had lost or could no longer enjoy; (and in which the U. States could not sustain them) while they continued to reside within the jurisdiction of the states—and finally to civilize and christianise them by every proper means, and as soon as they were qualified for it, to give them a name and rank in our federal Union.

These I have ever understood, were the great objects intended to be promoted and designed to be effected by the emigration of the Indians. These were the objects I had in view, in the part I have acted of this great drama; and I consider it an object worthy all the toil, labour, expense, sacrifice and suffering it has cost our nation & the Indians. And if the necessary measures to effect these objects are now put in successful operation, it will stop the mouths of opposers, and convince the world that the policy of the Government was dictated by humanity, benevolence, wisdom and justice.

The Indians whom it was contemplated to remove from the east to the west of the Mississippi have now nearly all emigrated, or are under treaty stipulations to emigrate; and it now becomes necessary to adopt some wise and prudent measures, to advance them in the occupation & pursuits of civilized life; and to preserve peace among themselves & between them and our own citizens. To effect these objects permit me to suggest a Territorial organization, and the adoption of a plain and simple code of laws for regulating trade and intercourse between the several tribes and between them and our own citizens.

I. The boundaries of the territory should be accurately defined, and the same be set apart for the exclusive occupation of the Indians; and provision should be made for the enjoyment of real estate in severalty, with the right of inheritance and the powers of alienation, only to citizens of the several tribes.

II. A code of laws should be adopted by congress for the purpose of protecting the persons and property of the members of the several tribes, and for the punishment of all acts of hostility, assault, fraud, theft, robbery, & murder committed in the Indian country by persons of one tribe upon another; or by the Indians upon our citizens; or our citizens upon the Indians—and for the adjudication & decision of all conflicting

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as a Government commissioner, merits reproach and is such as to disgrace his cloth, left the Seminoles to return to their expectant

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interest & claims between them—we all know that through offences of this kind committed by individuals or parties of one tribe upon another, or by the Indians upon our citizens, or our citizens upon the Indians, (because there were no laws or authority in the Indian country, to punish promptly such offenders) all have practised on the principles of the "lex talionis" & have indulged in private reprisals, retaliation & revenge, which have generally ended in blood & sometimes in Indian wars, accompanied with the most cruel barbarities & the sacrifice of valuable lives and much treasure.

I know we have some laws to punish certain crimes committed in the Indian country, but where is the power in the country to try & punish them—There is none—the culprits if they can be caught, must be drag'ed to Little Rock, Ark.—or some place in Missouri some hundred miles from the Indian country, & there if he is an Indian, must be tried, without the benefit of the testimony of his friends, perhaps the only witnesses of the transaction, and could they be heard might prove his innocence—all must be pursuaded he has no chance of justice. If the white man is the aggressor, what chance has a poor Indian on redress to prosecute before the courts of those states?—[?] therefore the Indian knowing or believing he can have no redress, the white man goes unpunished or the Indian takes the law in his own hand, & avenges his own wrongs—To remedy this evil I would propose:—

III. The organization of an Independent Federal court, for the Indian Territory, to take cognizance of all overt acts committed in the Indian country by individuals of one tribe upon another, or by Indians upon our people, & our people upon the Indians, and to adjudicate all claims or demands of Indians of one tribe upon another, or of our citizens upon Indians or Indians upon our citizens—In the organization of this court provision should be made for receiving the testimony of Indians as competent witnesses and to act as jurors & assistant justices, & deputy marshalls. In the first place the Judges, clerks, & marshalls should be white men, and from their manner of doing business in court, the Indians will learn how to conduct and carry on their judicial proceedings among themselves, especially if the judges of the Indian courts should sit as associate justices in the Federal Court in matters appertaining to the people of their own tribes—The marshall should be required to carry the judgment of the courts into execution; and if resisted to be authorized to call upon the constituted authorities of the tribe to aid him in the execution of his duties; and if refused or insufficient, then to call upon the U. S. troops stationed in the Indian country to enforce his authority.

IV. The officers of the Territory need be very few—a governor, who should also be superintendent of Indian Affairs—a secretary who might also be a disbursing officer, to pay all Indian annuities—(which might be paid at the seat of Government of the Territory unless otherwise provided for by treaty stipulations)—and as many Judges, clerks & marshalls as might be found requisite—two or three of each would be the most that would be required at present—I would have no legislative council, and I question whether one could be organized without the consent of the Indians—If you deemed it necessary, you might have an executive council, consisting of the Governor, Secretary & Judges, who might also be a court of final appeals from the decisions of the district courts.

V. Provision should also be made by Congress, for the choice and reception of a delegate or delegates to represent the Indian Territory according to the just expectations held up to the Indians in several of the treaties.

There might be three delegates allowed them—one to represent the Southern Indians, or those from the south of the Ohio River—one to represent the Northern Indians, or those formerly residing north of the Ohio & on the great Lakes—and one to represent the indigenous tribes—These might be selected by a certain number of electors to be chosen by each tribe, according to their relative population—

You will perceive on a careful examination, that the organization of the Indian Territory above proposed, neither interferes with, nor is subversive of any treaty provision with the Indians. It does not touch the rights of the several tribes to make and execute their own laws, upon their own people and in their own country. Neither does it include them under the jurisdiction or within the territorial limits of any state or territory—of the citizens of the U. S.—By the constitution of the United States and by Treaty stipulations, legislation over the Indians is the right of congress—whose duty it is to preserve and promote peace between the several Indian tribes and between them and citizens of the United States.

The object of the organization of the territory as above suggested being wholly confind to regulating trade, & intercourse between the several tribes; & between them & citizens of the United States; and to promote the peace of the country; with which is inseparably connected the improvement of their moral condition, temporal prosperity &

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countrymen and himself proceeded to force the refugee Quapaws into the northeastern corner of the Indian Territory.[a]

Missouri, within whose limits so many remnants of the northern tribes had found a temporary asylum, derived great benefit from the Removal Act.[b] Some of her Indians were claimants to lands in Illinois and Indiana, therefore one and the same commission, Messrs. Clark, Allen, and Kouns, was empowered to relieve the three States jointly—in whole or in part. In October, 1832, four treaties were negotiated at Castor Hill;[c] and "remnants" of the Kickapoos, Delawares, Shawnees, Weas, Peorias, Kaskaskias, and Piankeshaws passed over the border. Missouri was free. Meanwhile another commission, headed by Governor Jennings, was negotiating with the Pottawatomies, who were common to Indiana, Illinois, and Michigan. Certain cessions were secured, but the tribe was not yet ready for removal.[d] The subsequent commission of George B. Porter, governor

progress in civilization. With such an arrangement in the Indian territory, you might dispense with a host of Indian agents & subagents who in nine cases out of ten do more evil than good among the Indians—You might also greatly simplify & lessen the labour and expense of the Indian department at Washington—You might more effectively restrain & punish the iniquitous & licentious practices, & frauds committed in the Indian country by our own citizens; from whence come wars and fightings among them—It would also have the tendency to prevent "the hue & cry" which we now hear, ever and anon, about the danger of Indian difficulties, and of Indian Wars, whenever some men on the frontiers want more public money expended among them. Then suddenly a new military post on the Frontier is found to be necessary, or some new companies of dragoons, or mounted militia must be raised.

Indeed I consider that some such organization would do more to preserve the peace & prosperity of the Indian Country than any standing army you could place there; for experience has taught us that these are as often the occasion of broils and Indian Wars, as they prevent them—I see no alternative between governing the Indian country by a few well defined, settled & simple laws, easily to be understood, promptly executed by an efficient & energetic executive officer, to carry the decisions of the court into effect, and to enforce them by the military if necessary—or else to govern it by military orders & rule, as occasions may require, to prevent or put down open hostilities. But this has no tendency to prevent the commission of crimes, or improve the moral condition of a people, which are the great things, that ought to be aimed at—to promote the peace and prosperity of any people—

The only apology I have to make for the liberty I have taken in addressing you on this subject, is the deep interest I feel to promote, the peace prosperity & welfare of the Indians—

If anything I have suggested meets your approbation, and shall lead to any favourable action from Congress on this subject, I shall feel much gratified, & thank God for his goodness & mercies toward the Indians; and if not, I shall have a satisfaction of knowing I have done all in my power to serve and save this once noble but now degraded neglected, & despised race.

With great respect
I am your obt. servt—

J. F. SCHERMERHORN.

[a] Treaty, May 13, 1833, 7 United States Statutes at Large, 424–426.

[b] Prior to its passage the Delawares had consented to follow the example of the Shawnees and cross the line into the present State of Kansas (Supplementary Article, negotiated by Agent Vashon, September, 24, 1829, 7 U. S. Stat. L., 327), but the agreement was not ratified until 1831.

[c] 7 United States Statutes at Large, 391, 397, 403, 410.

[d] The treaties, negotiated by Messrs. Jennings, Davis, and Crume, provided for a large number of reserved sections, title to which it was the duty of later commissions—William Marshall, 1834, and Abel C. Pepper, 1836—to extinguish. Pepper's last treaty, negotiated at Washington, February 11, 1837, capped the climax. There was a general agreement that the Pottawatomies should, within two years, remove to Osage River. Marshall and Pepper in turn negotiated with the Miamies; but it was not until after the second treaty of the Forks of the Wabash, November 28, 1840, that these Indians gave up their last acre in Indiana and went west.

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of Michigan Territory, Col. Thomas J. V. Owen, agent to the Indians interested, and Col. William Weatherford, was decidedly more successful as regarded emigration. It negotiated with the "United Nations of Chippewa, Ottawa, and Pottowatomie Indians,"[a] and, after careful warning to the Indians that experience had shown it was "too late to treat at the cannon's mouth,"[b] gained its consent, in the treaty of Chicago, September 26, 1833, to an exchange of territory.[c]

It is now incumbent upon us to return to the Cherokees. Both the State and Federal authorities were desirous of avoiding notoriety by accomplishing removal without provoking a further appeal to the judiciary, but it was not to be. Invasions of the gold country were so numerous that Governor Gilmer was obliged to recommend that

[a] Treaty of Chicago, September 26, 1833, 7 United States Statutes at Large, 431.

[b] MS. Journal of the Commissioners, "Treaty Files," 1802–1853.

[c] (1) This does not signify that three whole tribes emigrated. Particular bands of each had confederated together and now negotiated as a "nation." As a matter of fact, nearly all the tribes of the Northwest emigrated in detachments. Henry Schoolcraft brought about the removal of most of the Chippewas. The Swan Creek and Black River bands emigrated under treaty of May 9, 1836. They had the choice of going west of the Mississippi or northwest of St. Anthony's Falls, and they preferred the former. The Saginaw Chippewas, by the treaty of Detroit, January 14, 1837, had a similar privilege; that is, they might go west of the Mississippi or west of Lake Michigan. The treaty of Flint River, December 20, 1837, substituted the headwaters of Osage River, but the agreement was never carried out.

(2) The following is a copy of a letter from G. B. Porter announcing the successful prosecution of his mission to date:

CHICAGO, *Sep. 28th, 1833.*

SIR:

I have the honor to transmit for your perusal, the better to enable you to decide upon the request that I shall make, the Copy of a Treaty and Supplementary articles, concluded on the 26th & 27th inst. with the United Nations of Chippewa, Potawatamie & Ottawa Indians.

You will perceive the Cession embraces all their land on the West Shore of Lake Michigan, and all owned by them in Michigan Territory South of Grand River, (without a Reservation! !)—The Treaty will be transmitted as soon as the pressure of my avocations will permit me to close the schedules attached to it.

The Indians are thoroughly imbued with the spirit of emigration. From the issue of this negotiation, and the feeling it has generated, among them, I anticipate confidently, a favorable result to my intended effort with the Miamies, whom I shall meet on the 8th October. The example will, I doubt not, produce an impression upon all the Indians remaining, decidedly advantageous. I am equally confident in the belief that while these impressions are yet fresh, propositions would be readily entertained by the owners of the reservations of land retained by the Tippecanoe Treaties of Oct. 26th and 27th, 1832, to cede them to the United States, & join their brothers in their pilgrimage to the West. Not a foot is reserved to them by the Treaty we have just concluded. Thus this whole Country may probably be altogether relieved from any serious impediment to it's entire settlement, by the removal of a population, which will always embarass & retard it, while at the same time the policy of the Government in respect to it's Indian Intercourse will have been advanced to an important extent.

Under these circumstances I feel impelled by my sense of duty, to submit to the consideration of the Department, the expediency of following up the policy of the Government, while the time is propitious by authorizing an immediate negotiation to be had with these people for their reserves under the two treaties aforesaid. As I shall have these Potawatamies assemble at the Tippecanoe Mills to receive their money & Goods, the attempt to procure a cession of these reservations can be made without any expense to the Government. They embrace almost every valuable spot of land in that Country:—for without these groves of timber and water privileges, what are the prairies worth?

If the views I have taken the liberty to suggest meet the approbation of the Department, I have the honor to request that an authority and instructions to me may be im-

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the legislature enact a law forbidding white men to reside among the Indians,[a] special exemption to be had, however, where persons were agents of the Federal Government or were of high respectability, willing to take an oath as citizens to support the laws of Georgia. An act of this tenor was approved December 22, 1830. One week later the whole body of missionaries within the Cherokee country took a step that so enraged Governor Gilmer that he decided so to interpret the recent enactment that *they* might be brought within its operation. Their offense was they had held a meeting at New Echota and, while exonerating themselves for meddling in politics, declared their conviction that the Cherokees as a people were averse to emigration and that the extension of Georgian jurisdiction would work "an immense and irreparable injury."[b] Soon they were called upon to retract or remove.[c] Refusal to do either brought about the arrest of three of their number—two ordained missionaries, S. A. Worcester and John Thompson,[d] and one missionary teacher, Isaac Proctor. An application for a writ of habeas corpus was successful, and when the case came up for hearing before the superior court for Gwinnett County, Judge Clayton (another of Wirt's relatives, but a man of confessedly different opinions upon the doctrine of State Rights), ordered the release of the prisoners, not upon the plea of their counsel that the late law was unconstitutional, but upon the assumption that, by the indulgence of Georgia, they were exempt from its operation, because, as dispensers of the civilization fund, they were nominally agents of the United States. Gilmer was of a different opinion, and communicated[e] with Eaton, whence it was

mediately prepared & transmitted to the Post Office at Maumee, with directions to the Postmaster to forward them to me by express at the Forks of the Wabash. The Letter can reach me in this way in 8 days after it is mailed at Washington.

I am in very great haste
With considerations of
Much regard, your
Ob. Servt.

G. B. PORTER.

The Hon. LEWIS CASS,
Secy. of War.

(Indian Office MS. Records, "Treaty Files," 1802–1853.

(3) An interesting incident in connection with the negotiation of this treaty of Chicago was the Indian demand to see the credentials of the Commissioners. (MS. Journal of the Commissioners, "Treaty Files," 1802–1853, Indian Office MS. Records.)

[a] "Georgians," p. 365.

[b] "Missionary Herald," March, 1831, Vol. XXVII: 79–84.

[c] A copy of a newspaper containing the text of the law was sent to them about the middle of January, while "many reports" * * * "were circulated and came to [their] ears * * *, and some of them very directly from the agents and other officers of Georgia, who were charged with carrying the law into effect, which tended to confirm the opinion that the law was designed to apply to them." ("Missionary Herald," May, 1831, Vol. XXVII: 165.)

[d] The arrests were all made "without a warrant from any magistrate, or any civil precept whatever. The proceedings were entirely of a military character. Upon their arrival at the headquarters, they were marched into camp with drum and fife, and a good deal of military pomp was displayed. * * *" (Ibid., p. 166.)

[e] Gilmer to Eaton, April 20, 1831, "Georgians," p. 389.

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divulged that seven out of nine of the regular missionaries within the Cherokee country, and those the most offending, were supported entirely by the resources of the American board.[a] The Government was not prepared to count any of them its agents, except, perhaps, Mr. Worcester, who was postmaster at New Echota as well as missionary, and who, in order that he might be rendered fully answerable to Georgia for his conduct, was at once to be deprived of his secular office.

Thus stranded, the missionaries were again attacked and warned by Gilmer.[b] Some of them still refused to comply with the legal

[a] Eaton to Gilmer, May 4, 1831, "Indian Office Letter Books," Series II, No. 7, p. 208.

[b] (1) "Sir—Sufficient evidence has been obtained from the government of the United States to convince the courts of this state that the missionaries employed among the Cherokees by the American Board of Foreign Missions, are not its agents, and therefore not exempted from the operation of the law forbidding white persons to reside among the Cherokees without license. In continuing so to reside, you must have known that you were acting in violation of the laws of the state. The mistaken decision of the superior court upon this subject, in the late case determined in Gwinett county, has enabled you for a time to persist in your opposition to the humane policy which the general government has adopted for the civilization of the Indians, and in your efforts to prevent their submission to the laws of Georgia. However criminal your conduct in this respect may have been, I am still desirous that you should have an opportunity of avoiding the punishment which will certainly follow the continuance of your present residence. You are therefore advised to quit it with as little delay as possible. Col. Sanford, the commander of the Guard, will be directed to cause to be delivered to you this letter, and to enforce the laws if you should persist in your disobedience.

Very respectfully, yours, &c

GEORGE R. GILMER."

[Messrs. Butrick, Proctor, and Thompson, May 16, 1831.]

(Missionary Herald, August 1831, Vol. XXVII: p. 249.)

(2) "Sir—It is a part of my official duty to cause all white persons residing within the territory of the state, occupied by the Cherokees to be removed therefrom, who refuse to take the oath to support the constitution and laws of the state. Information has been received of your continued residence within that territory, without complying with the requisites of the law, and of your claim to be exempted from its operation, on account of your holding the office of postmaster of New Echota.

You have no doubt been informed of your dismissal from that office. That you may be under no mistake as to this matter, you are also informed that the government of the United States does not recognize as its agents the missionaries acting under the direction of the American Board of Foreign Missions. Whatever may have been your conduct in opposing the humane policy of the general government, or exciting the Indians to oppose the jurisdiction of the state, I am still desirous of giving you and all others similarly situated, an opportunity of avoiding the punishment which will certainly follow your further residence within the state contrary to its laws. You are, therefore, advised to remove from the territory of Georgia, occupied by the Cherokees. Col. Sanford, the commander of the Guard, will be requested to have this letter delivered to you, and to delay your arrest until you shall have had an opportunity of leaving the state.

Very respectfully, yours, &c.

GEORGE R. GILMER."

[*Mr. Worcester*]

("Missionary Herald," August, 1831, Vol. XXVII: p. 248.")

(3) The letters of Governor Gilmer "were forwarded to the missionaries by Colonel Sanford, the commander of the military corps called the Georgia guard, employed in the Cherokee nation; and were accompanied by a note from himself, stating that ten days would be allowed them to remove; and that if found residing in the nation after the expiration of that period, the law would certainly be executed upon them.

"It is hardly possible to avoid remarking, that in these letters the criminality of the missionaries is made to consist principally, if not wholly, in the influence which they are charged with having exerted on the Cherokees, unfavorable to their removal, and to the policy of the general government; while the law makes their criminality to consist solely in being found residing within the Cherokee country on or after the first day of March, without having taken a prescribed oath, and obtained a license from the governor of Georgia * * *." ("Missionary Herald," August, 1831, Vol. XXVII: p. 249.)

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requirements,[a] so were arrested,* brought to trial along with other

* 1. "After his (Mr. Thompson's) acquittal by the court, he returned to the station [Hightower] and pursued his labors as usual, until he received a letter from the governor of Georgia, threatening a second arrest. He then thought it best to remove his family to Brainerd, a station without the limits of that portion of the Cherokee country claimed by Georgia, intending, while he made that station his home, to itinerate among the Cherokees * * *. Miss Fuller was left at the station to continue the school. Such an arrangement, he supposed would be a compliance with the law of Georgia, requiring his removal * * * ." ("Missionary Herald," August, 1831, Vol. XXVII : 252–253.)

It seems from a letter written by Miss Fuller to Mr. Worcester, June 23, 1831 (ibid., p. 253), that while Thompson was absent Colonel Chas. H. Nelson called at Hightower and gave Miss Fuller warning that he and his men would occupy the mission premises the succeeding night. Thompson returned and hearing of the intentions of Nelson, addressed a letter to him (ibid., p. 253) refusing the hospitality of the mission house. The result was Thompson's second arrest. He was taken to headquarters about fifty miles distant and then set at liberty—no apology or explanation being given. (Letter from Thompson, July 1, 1831, "Missionary Herald," September, 1831, Vol. XXVII : 282.)

2. Dr. Elisur Butler, an assistant missionary residing at Haweis, had not been "arrested with the others in March, but remained unmolested till the 7th of May, when a detachment of the Georgia guard came to the station and made him their prisoner. After carrying him about twelve miles, and he having told the commanding officer of the critical state of his family, the officer released him, on condition that he would come to the headquarters and surrender himself, as soon as the circumstances of his family would permit. Dr. B. afterwards received a letter from the governor of Georgia, similar to those quoted * * *; and information has been received that on the 6th of June he was on the point of starting for the headquarters of the guard to surrender himself. On the 7th, he addressed a letter to the governor of Georgia ("Missionary Herald," August, 1831, Vol. XXVII : 252) denying that he had attempted to prevent the Indians removing or submitting to the jurisdiction of Georgia, as was insinuated in the letter of the governor to him, and stating explicitly the object for which he was laboring among the Cherokees, and the principles which had governed his conduct, and what were his present views of duty in respect to continuing his labors." ("Missionary Herald," XXVII : 251–252.)

Dr. Butler, surrendered himself to Colonel Sanford, July 1, 1831. (Letter, Ibid, September, 1831, Vol. XXVII : 283.)

3. Two Methodist missionaries, Messrs. Trott and M'Leod, were also arrested, though the latter was soon released.

[a](1) In reply to the letters which he received, Mr. Worcester wrote a brief note to Colonel Sanford, informing him that Mrs. Worcester was closely confined to her bed, and from the nature of the disease she was likely to be confined so for some time to come; that, as she could not be removed, except at the almost certain loss of her life, and there was no person in whose care he could properly commit her, he could not regard it as his duty to leave his station. Ten days afterwards, he wrote the following letter to the governor of Georgia which clearly presents his view of the case, and the reasons which governed his conduct:

NEW ECHOTA, CHER. NA. *June 10, 1831.*

To His Excellency, George R. Gilmer, governor of the state of Georgia.

Sir—Your communication of the 15th ult. was put into my hand on the 31st by an express from Col. Sanford, accompanied with a notice from him, that I should become liable to arrest, if after ten days, I should still be found residing within the unsettled limits of the state.

I am under obligation to your excellency for the information, which I believe I am justified in deriving by inference from your letter, that it is through your influence, that I am about to be removed from the office of postmaster at this place; inasmuch that it gives me the satisfaction of knowing that I am not removed on the ground of any real or supposed unfaithfulness in the performance of the duties of that office.

Your excellency is pleased to intimate that I have been guilty of a criminal opposition to the humane policy of the general government. I cannot suppose that your excellency refers to those efforts for the advancement of the Indians in knowledge, and in the arts of civilized life, which the general government has pursued ever since the days of Washington, because I am sure that no person can have so entirely misrepresented the course which I have pursued during my residence with the Cherokee people. If by the humane policy of the government, are intended those measures which have been recently pursued for the removal of this and other tribes, and if the opposition is no more than that I have had the misfortune to differ in judgment with the executive of the United States, in regard to the tendency of those measures, and that I have freely expressed my opinion, I cheerfully acknowledge the fact, and can only add that this expression of

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offending white men,[a] convicted, and sentenced; but not without a recommendation to executive clemency. The punishment was four years in the penitentiary at hard labor. All but two of the prisoners, Worcester and Butler, preferred to accept the governor's pardon by taking the oath of citizenship.[b] Worcester and Butler appealed to

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opinion has been unattended with the consciousness of guilt. If any other opposition is intended, as that I have endeavored to bias the judgment, or influence the conduct of the Indians themselves, I am constrained to deny the charge, and beg that your excellency will not give credit to it, until it shall be sustained by evidence.

Your excellency is pleased further to intimate that I have excited the Indians to oppose the jurisdiction of the state. In relation to this subject, also, permit me to say, your excellency has been misinformed. Neither in this particular am I conscious of having influenced, or attempted to influence the Indians among whom I reside. At the same time, I am far from wishing to conceal the fact, that, in my apprehension, the circumstances in which providence has placed me, have rendered it my duty to inquire whose is the rightful jurisdiction over the territory in which I reside; and that this inquiry has led me to a conclusion adverse to the claims of the state of Georgia. This opinion, also, has been expressed—to white men with the greatest freedom; and to Indians, when circumstances elicited my sentiments.

I need not, however, enlarge upon these topics. I thought it proper to notice them in a few words, because I understood your excellency to intimate that, in these respects, I had been guilty of a criminal course of conduct. If for these things I were arraigned before a court of justice, I believe I might safely challenge my accusers to adduce proof of anything beyond that freedom in the expression of opinions, against which, under the constitution of our country, there is no law. But as it is, the most convincing evidence of perfect innocence on these points would not screen me from the penalty of the law, which construes a mere residence here, without having taken a prescribed oath, into a high misdemeanor. On this point, therefore, I hope to be indulged a few words in explanation of my motives.

After the expression of my sentiments, which I have already made, your excellency cannot fail to perceive, that I could not conscientiously take the oath which the law requires. That oath implies an acknowledgment of myself as a citizen of the state of Georgia, which might be innocent enough for one who believes himself to be such, but must be perjury in one who is of the opposite opinion. I may add, that such a course, even if it were innocent of itself, would in the present state of feeling among the Indians, greatly impair or entirely destroy my usefulness as a minister of the gospel among them. It were better, in my judgment, entirely to abandon my work, than so to arm the prejudices of the whole people against me.

Shall I then abandon the work in which I have engaged? Your excellency is already acquainted, in general, with the nature of my object, and my employment, which consist in preaching the gospel, and making known the word of God among the Cherokee people. As to the means used for this end, aside from the regular preaching of the word, I have had the honor to commence the work of publishing portions of the holy scriptures, and other religious books, in the language of the people. * * * This work it would be impossible for me to prosecute at any other place than this, not only on account of the location of the Cherokee press, but because Mr. Boudinott, whose editorial labors require his residence at this place, is the only translator whom I could procure, and who is competent to the task. My own view of duty is, that I ought to remain, and quietly pursue my labors for the spiritual welfare of the Cherokee people until I am forcibly removed. If I am correct in the apprehension that the state of Georgia has no rightful jurisdiction over the territory where I reside, then it follows that I am under no moral obligation to remove, in compliance with her enactments; and if I suffer in consequence of continuing to preach the gospel and diffuse the written word of God among this people, I trust that I shall be sustained by a conscience void of offence, and by the anticipation of a righteous decision at that tribunal from which there is no appeal.

Your excellency will accept the assurance of my sincere respect.

S. A. WORCESTER.

("Missionary Herald," August, 1831, Vol. XXVII: 250–251.)

[a] "There are eleven of us in all. ('Rev. Samuel A. Worcester, Rev. J. J. Trott, Doct. Elizur Butler, Messrs. J. F. Wheeler, T. Gann, J. A. Thompson, B. F. Thompson, S. Mayes, A. Copeland, and E. Delozier, and Mr. Eaton—Ed. p. 363, note.') One besides myself, Rev. Mr. Trott, of the Methodist church, is a preacher of the gospel; and six, I believe, including us, are professors of religion * * *." (Letter from Worcester, September 16, 1831, "Missionary Herald," XXVII: 363.)

[b] "Missionary Herald," November, 1831, Vol. XXVII: 364.

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the Supreme Court, with Wirt as their chief counsel. The case was tried in 1832,[a] and a decision rendered adverse to the Georgian assumption of jurisdiction over the Cherokee country; but both Jackson[b] and Lumpkin[c] who had then succeeded Gilmer, ignored it.

In September of 1831 * additional machinery was put in operation

* Col. John Lowry had been sent on a special mission to the Cherokees, emigration being of course the object, in the early autumn of 1830, but had failed. (Royce, p. 262.)

[a] Worcester *v.* Georgia, 6 Peters, 515–597; Marshall's "Writings on the Constitution," p. 419.

[b] Note Jackson's alleged remark to the effect that Marshall might execute his own decision, Greeley I: 106, and note 27.

[c] "Immediately after the decision of the Supreme Court of the United States" (had been rendered) * * * "the mandate of that Court was * * * laid before the court of Georgia, by which they [the missionaries] had been tried and sentenced, and a motion made by the counsel for the missionaries that the court reverse its decision. But after the case had been argued at length, the motion was rejected. The court also refused to permit the motion, or its own decision upon it, or anything by which it might appear that such a motion had ever been made, to be entered on its records. The counsel then made an affidavit, stating that the mandate of the Supreme Court had been presented to the court in Georgia, and the motion made to reverse the decision of the latter, in obedience to the mandate. This affidavit was signed by the counsel for the missionaries, and acknowledged by the judge, and would have been used before the Supreme Court of the United States, instead of the record of the court in Georgia, had a motion been made there for further proceedings at its present session.

On the 4th of April last, immediately subsequent to this refusal of the Court in Georgia to obey the mandate of the Supreme Court, the counsel for the prisoners presented a memorial in their behalf to his excellency Wilson Lumpkin, governor of that state, showing in what manner the mandate of the Supreme Court had been rejected by the state court, and praying him to use the executive power intrusted to him, and discharge the prisoners. To this the governor refused to give any written reply, but stated verbally that the prayer of the memorialists would not be complied with.

In this state, so far as any legal proceedings are concerned, the case remained until the 27th of November, when Messrs. Worcester and Butler were informed that, if any motion were to be made before the Supreme Court of the United States for further proceedings in their case at its next approaching session, notice to that effect must be served on the governor and attorney general of Georgia without delay. They had no time to deliberate or consult their patrons on the subject. Knowing, however, that, if the notice should be served, and they should afterwards decide that it was inexpedient to prosecute their case further, the notice could be withdrawn, and the process arrested; while, if they neglected to serve the notice till it should be too late, the motion in their behalf before the Supreme Court could not be sustained, however desirable it might seem, but must be deferred another year. Placed in this predicament, they decided to give notice of the intended motion, leaving the question whether that motion should be actually made open to further consideration.

Messrs. Worcester and Butler immediately informed the Prudential Committee (of the American Board) of what they had done, and requested their advice on the point, whether they should prosecute their case further before the Supreme Court of the United States or not.

Here it should be remarked that, from the time that the missionaries were first informed of the law enacted by the legislature of the state of Georgia * * * they have had a constant and free interchange of views with the Committee respecting the course to be pursued by themselves; and while the Committee have forborne to direct or even advise them, they have still expressed their views freely, relative to what was right and expedient, in these trying circumstances, * * * and have uniformly enjoined it upon the missionaries to act upon their own responsibility as citizens, and especially as ministers of our Lord Jesus Christ. This, it is believed, they have uniformly done; and while the Committee have acted with entire unanimity, it is not known that, at any stage of this business, their judgment has differed from that of the missionaries.

It should also be remarked, before proceeding further with this statement, that Messrs. Worcester and Butler, very soon after they were placed in the penitentiary, were visited by a number of highly respectable gentlemen, who urged them, not to appeal to the Supreme Court of the United States, but to accept of a pardon from the governor of the state, and promise not to return to the Cherokee nation—the condition on which pardon was offered them immediately after their sentence was pronounced. This they steadily

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for the compulsory removal of the Cherokees. Under the superintendency of Benjamin F. Curry, and at the dictation of Georgia, enrolling agencies were opened within the nation that stopped short

refused to do, deeming it of great importance, in its bearing on their own characters and the cause in which they were engaged, to obtain the opinion of that Court whether the law of the state of Georgia, extending her jurisdiction over the Cherokee country, was or was not contrary to the constitution, laws, and treaties of the United States: and whether they had or had not been lawfully arrested and subjected to an ignominious punishment for disregarding that law. Among the gentlemen who repeatedly visited them on this errand, were Mr. Berrien, late attorney general of the United States, and Rev. President Church of the Georgia University. After the decision of the Supreme Court, given in March last, and especially after they had given notice of their intention to move the Court for further proceedings in their case, Messrs. Worcester and Butler were again urged by gentlemen who visited them, and by others who communicated their views in writing, to withdraw their suit and accept of pardon. These gentlemen resided in different parts of the Union, and some of them had been on the side of the Cherokees and missionaries, through the whole of their unhappy controversy with the state of Georgia. But as the missionaries were at first, from their own view of their rights, confident that they had been guilty of no crime, and would not, therefore, accept a *pardon;* so now, having obtained the decision of the Supreme Court in their favor, they were still less inclined to do anything which might imply that they had not a just claim to an unconditional discharge, without the stigma of being pardoned criminals. From time to time they submitted their case to the Prudential Committee, with the arguments which were pressed upon them from different quarters. But the Committee saw no cause for advising them to change their course.

More recently, however, and especially subsequent to giving the notice of the intended motion in the Supreme Court, the subject was presented to the minds of the missionaries in a somewhat different aspect; which, together with the posture of our national affairs, induced them to examine the whole subject anew, and to lay the arguments in favor of withdrawing their suit, which had been suggested to them by others, or had occurred to their own minds, before the committee, which they did in a letter from which the subjoined paragraphs are extracted. Doct. Butler being at the time unwell, Mr. Worcester, after mentioning that they had given notice of the intended motion, with some account of the interviews which they had had with gentlemen on the subject, presents the following interrogations as containing the substance of the arguments presented by them.

What then are we to gain by the further prosecution of the case? *Our personal liberty?* There is much more prospect of gaining it by yielding than by perseverance. And if not, it is not worthy of account in comparison with the interests of our country.

Freedom from the stigma of being pardoned criminals? That also is a consideration of personal feeling not to be balanced against the public good.

The maintenance of the authority of the Supreme Court? It is argued against us that, if we yield, the authority of the court is not prostrated—only not tested; that, if it be put to the test *now*, it is almost certain to fail; that the probability of prostrating its authority is far greater than of maintaining it; that, if it were to be put to the test, it ought to be done at a more favorable time.

The prevention of the violation of the public faith? That faith, it appears to us, is already violated; and, as far as we can see, our perseverance has no tendency to restore it.

The arresting of the hand of oppression? It is already decided that such a course cannot arrest it.

The privilege of preaching the gospel to the Cherokees? That privilege is at least as likely to be restored by our yielding as by our perseverance.

The reputation of being firm and consistent men? Firmness degenerates into obstinacy, if it continues when the prospect of good ceases; and the reputation of doing right is dearly purchased by doing wrong.

* * * * * * *

In view of the foregoing considerations and some others which occurred to their minds, all tending to convince them that little good was to be hoped from further prosecution of the case; and that, as the law under which the missionaries had been imprisoned had been repealed, they were much more likely to be speedily restored to their labors among the Cherokees by withdrawing their suit, than by carrying it to the extremity, the Committee expressed to Messrs Worcester and Butler the opinion, that it was inexpedient for them to prosecute their case further before the Supreme Court. It seemed to them also the part of Christian forbearance in the missionaries, in the present agitated state of the country, to yield rights, which, in other circumstances, it might have been their duty to claim, rather than to prosecute them tena-

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of nothing to effect the object desired. The story is too long and too disgraceful to be adequately treated here.[a] Dissensions within the tribe were encouraged, and by that means the Indians were finally worsted. It is generally conceded that there were two distinct factions, one headed by John Ross, the other by Major Ridge. Andrew Ross belonged to the latter and he, in conjunction with Eaton, negotiated the treaty of June 19, 1834,[b] which, against the official protest of his brother, was presented to the Senate for ratification. H. L. White, who had become politically estranged from Jackson, used his influence to defeat it and, to the disgust of the President, succeeded. The following spring, when rival delegations were in Washington, Ridge, as the representative of one, repeated the scheme, and, with the aid of Schermerhorn, drew up a preliminary treaty of cession and removal. Ross[c] was not consulted; but, as the treaty was not to take effect until agreed to in national council, there was yet time to strike one more blow for justice.

During the summer of 1835 all available forces were at work to close with the Cherokees.[d] Curry planned to reserve the annuities

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ciously at the expense of hazarding the public interests." * * * ("Missionary Herald," XXIX: 109–111.)

Messrs. Worcester and Butler immediately acted upon the advice of the Prudential Committee of the American Board, and instructed their counsel, William Wirt, to stay legal proceedings. (Letter to William Wirt, January 8, 1833, "Missionary Herald," Vol. XXIX: 112.) At the same time they communicated their decision to the attorney-general and governor of Georgia, Charles H. Jenkins and Wilson Lumpkin, respectively. (Ibid.) Lumpkin chose to regard their reason for this decision, not change of principles but love of country, as an insult since it intimated that the State had been entirely in the wrong. The missionaries, therefore, sent the executive a second letter exonerating themselves from the charge of intending disrespect and saying that they left "the question of the continuance" of their "confinement to the magnanimity of the state" which was a respectful way of applying for a pardon. Governor Lumpkin did not deign to send a written discharge (Letter from Worcester, January 23, 1833, "Missionary Herald," XXIX: 113), but by proclamation, January 14, 1833, directed Colonel Mills, the keeper of the penitentiary, to release them.

[a] C. C. Royce has brought out many facts in his "History of the Cherokee Nation," but he does not seem to have used the Curry and Schermerhorn letters which reveal the extent of Federal cooperation. Moreover, these letters hint at much that was never intrusted to paper and the story is a very dark one.

[b] E. W. Chester had tried unsuccessfully to negotiate a treaty of exchange in 1832. In the course of the prosecution of his mission it had developed that some of the Cherokees wanted to emigrate to the Columbia River region. (Royce, pp. 263–264.)

[c] Unfortunately Ross had already made a false move. Thinking, as he said, to test the sincerity of the Government, he offered, February 25, 1835, to sell his country for $20,000,000. The Senate considered the proposition and came to the conclusion that the sum was too large. Ross then said he would take whatever the Government thought just and the Senate placed the figure at $5,000,000. That did not come within Ross's conception of justice, and he declined the offer. His enemies, however, profited by the transaction and it reacted against him later on; for Schermerhorn, whose profession did not save him from practicing gross deception, represented to the Cherokee adherents of Ross that he was a very Judas. In this way the reverend gentleman, as he boasted to the War Department, was able to gain many supporters of the treaty of New Echota.

[d] Curry to Herring, July 31, 1835, "Indian Office Letter Books," Letters Sent and Received, 1835–36, pp. 298, 308; Curry to Schermerhorn, July 30, 1835, ibid., pp. 304–305; Curry to Herring, August 20, 1835, ibid., pp. 309–311; Curry to Lieut. John L. Hooper, August 5, 1835, ibid., p. 312; Curry to Herring, August 20, 1835, ibid., pp. 322–324; Ross to Schermerhorn and Curry, August 22, 1835, "Curry Papers."

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for the Ridge faction alone by summoning them to a separate council, but the Rossites came out in full force, and he was circumvented. The Ridge treaty came before the national council at Red Clay in October and was rejected, mainly because something happened that the white men had not counted upon—a temporary compromise between the opposing factions. Ross then prepared to set out for Washington, but was arrested by the Georgia guard on the plea that he was a white man residing, contrary to law, within the Indian country.[a] He certainly did have a large proportion of Scotch blood in his veins; but the charge, under the circumstances, was so absurd, being just as applicable to hundreds of others, that he was soon released.[b]

Schermerhorn had been sent by the Secretary of War to present the Ridge treaty to the Cherokee national council. That done he ought to have gone away. His mission was ended. Instead of doing so he lingered. He called another meeting for the third Monday in December, at New Echota, and, in excess of his instructions, submitted an entirely new treaty to the Indians. Accepted conditionally by them, it went to the Senate and there called out some bitter reflections upon the Administration and its Indian policy—all well deserved. John Ross protested, but in vain. The treaty was ratified and the Cherokees were doomed.[c] That as a nation they never consented to it needs no proof. Were one needed, we have but to note the correspondence of General Wool, who was sent into their country to put down any insurrection that might arise.[d] As victims of tyranny and injustice, many were eventually escorted West by General Scott and his army. More than one-fourth are said to have perished on the way.

The year 1835 was a turning point in the career of two other Indian nations—both southern. The inoffensive Caddoes, of Louisiana, negotiated, in July of that year, a rather peculiar treaty[e] with the Federal Government, whose representative was Jehiel Brooks.[f] They agreed to remove themselves forever from the territory of the United States, a course of action they seem to have been contemplating for a good many years. They were exiles, indeed, and yet who can say they did not choose the wiser course. Well might it have been for the Seminoles had they done the same, and, in some more hospitable clime, had found the refuge denied them in the everglades of Florida. The three years noted in the treaty of

[a] Curry to Cass, November 30, 1835, "Indian Office Letter Books," Letters Sent and Received, 1835–36, pp. 356–357.

[b] Curry to Cass, December 1, 1835, ibid., pp. 339–340.

[c] 7 United States Statutes at Large, 478–489.

[d] Indian Office MS. Records, "Cherokee Emigration Papers."

[e] 7 United States Statutes at Large, 470.

[f] Jehiel Brooks was, later on, accused of having resorted to fraud in the negotiation of this treaty. (Indian Congressional Documents, Vol. XXX; House Document No. 25, second session Twenty-seventh Congress, 1841–42.)

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Payne's Landing expired in May, 1835, but the time of removal was extended for six months more. A fatal six months, weighty with all the disasters of a long and bloody war! The Black Hawk of the Seminoles appeared in the person of Osceola, more commonly known by his English name of Powell. It was he that found courage to voice the national protest against the fraudulent treaty of Fort Gibson, but J. Q. Adams was no longer President. Charley Emartla suffered the fate of McIntosh, and, when Wiley Thompson, of Georgia, refused to pose as a second Crowell, he also was pursued by a Nemesis. War broke out, and, prolonged by climate and mismanagement, lasted until 1842. The Indians were gradually subdued, piecemeal, and most of them forced westward. Some are still in Florida. General Gadsden, who had done so much to injure this unfortunate tribe, was one of the first to condemn the war. Professional jealousy was to a large degree his motive power but, none the less, he spoke the truth. There was no economic need for the removal of the Seminoles.

In his seventh annual message[a] Jackson commented in boastful terms upon all that he had accomplished for Indian consolidation. It certainly was a great deal. Pity it is that it is not a part of American history upon which one can look with any pride. Besides, Jackson retired from the Presidency leaving a very onerous burden for Martin Van Buren. The Cherokees were not yet removed or the Seminoles subdued. In those two affairs Van Buren followed the trail that Jackson had blazed; but in one other he acted as a New Yorker and independently.[b] The strenuous and continuous effort of the Ogden Land Company to remove the whole body of New York Indians had signally failed. Comparatively few had ever gone to Wisconsin. Among the many reasons that may be assigned for this, are an attachment to their native soil, a determination not to be overreached by speculators, an appreciation of the great value of their eastern lands, and, maybe more than anything else, a realization that the title to the Wisconsin tract was far from clear. The Menominee grantors had never ceased to dispute it; and, when in 1827 Cass and McKenney, under commission to execute certain provisions of the treaty of Prairie du Chien, negotiated that of Butte des Morts, the Menominees still refused to admit the validity of the contracts of 1821 and 1822, so the commissioners could do naught but leave the affair to the discretion of the President. They did, however, recommend, though to no purpose, that since the New York Indians had

[a] Richardson, III: 171–173.

[b] It is not intended to imply that other removals besides that of the New York Indians were not arranged for during Van Buren's Administration. On the contrary there were several, some of which have already been incidentally referred to. There remains to mention the Munsee, a consent to which, indefinite as to the time of fulfillment, was secured September 3, 1839. The main body of Wyandots did not treat for removal until March 17, 1842.

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settled for the most part on the east side of Fox River they should be allowed to stay there and receive the land by a permanent title.[a] As time went on the uncertainty of tenure continued. In fact, the indecision of the treaty of Butte des Morts might almost be said to have increased it, and so the Ogden Land Company affected to believe. The Senecas positively would not emigrate, and J. Q. Adams, though ready to be acquiescent in a willing removal, should one be secured, would permit no compulsion.

When Jackson became President, the Ogden Land Company expected their interests, selfish as they were, to receive more attention than they deserved. They were soon relieved of such a misapprehension, for McKenney in June, 1829, instructed Jasper Parrish, who had reported the Munsees and Stockbridges willing to emigrate, that the General Government had no funds to assist the New York Indians in removing to Green Bay. The proper person to apply to was the governor. A subsequent letter to Justus Ingersoll, of Medina, indicated that, though unwilling to stand the expense, the United States was not loath to advise its agents, "under a guarded and discreet interview," to turn the attention of the Iroquois to Green Bay.[b] Even that did not satisfy Colonel Ogden, and he complained of Jackson's indifference or possible opposition, but only to receive the assurance that silence ought not to be so interpreted.[c] Meanwhile, the New York Indians at Green Bay petitioned the Senate for an adjustment of their differences with the Menominees. An investigation took place, but no conclusions were reached and the matter was referred back to the President. This resulted in the appointment of three commissioners, Gen. Erastus Root, James McCall, of New York, and John T. Mason, secretary of Michigan Territory, who were instructed to proceed to Green Bay and, waiving any decision as to the validity of the compacts of 1821 and 1822, simply choose a satisfactory location at that place for the New York Indians.[d] The commissioners repaired betimes to Wisconsin and proceeded to arbitrate between the Menominees and the Iroquois; but, knowing nothing beforehand of the facts in the case, were soon nonplussed by its perplexities.[e] They could not agree among themselves as to the extent of their own powers and failed to effect a compromise between the disputants.

About this time, when the United States Senate was not in session, a change took place in the Green Bay agency, Col. Samuel C. Stambaugh, of Pennsylvania, replacing Henry B. Brevoort. The change

[a] McKenney to Ogden, Troup, and Rogers, December 14, 1827, "Indian Office Letter Books," Series II, No. 4, pp. 178–180; McKenney to Col. T. L. Ogden, January 15, 1828, ibid., p. 253.

[b] September 21, 1829, "Indian Office Letter Books," Series II, No. 6, p. 90.

[c] McKenney to Ogden, December 28, 1829, ibid. pp. 209–210.

[d] Letter of Eaton, June 9, 1830, ibid., pp. 463–467.

[e] Colton, I: 147.

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was momentous, for the new agent sympathized openly with the Menominees and chose to regard the New York Indians as land speculators,[a] which was not far from the truth. Stambaugh himself was much interested in the development of Wisconsin, and advised the Menominees to sell some of their land to the United States. Accordingly, in November, 1830, a delegation, though uninvited, started for Washington, the energetic Stambaugh in close attendance. On the 8th of February, following, Eaton and Stambaugh negotiated a treaty of cession[b] highly pleasing to the people of the Northwest.[c] It made a pretense of safeguarding the interests of the Iroquois, but really so hedged its begrudged concessions about with conditions that neither the Ogden Land Company nor the Indians could have consented to it. These conditions, which left the Menominee offer to the New York Indians open for three years only and provided that rejection of it should signify a final removal from the Green Bay lands unless the President willed otherwise, were stricken out by the supplementary article of February 17. One great objection still remained, the land offered was situated in a poor locality. Political influence, however, was strong enough to cause the insertion of the Senate proviso which, while not increasing the amount, improved the quality of the land that was to be conceded to the New York Indians. The treaty was finally ratified July 9, 1832. It was then the turn of the Menominees to be dissatisfied,[d] and George B. Porter, Territorial governor of Michigan, was asked to propitiate them.[e] He went to Green Bay for the purpose, and on the 27th of October gained their consent to a modification of the Senate proviso,[f] to which the New York Indians reluctantly agreed.[g]

The Senate proviso of 1832, besides altering the boundaries of the land intended for the New York tribes proper, arranged for a change in residence of the Munsee, Stockbridge, and Brothertown Indians who were to vacate the land on the east side of the Fox River and pass over to the east side of Winnebago Lake. This provision was left unchanged by Porter's treaty of October, and, during the year 1834, the Stockbridges took up their new quarters about 20 miles distant from their old location.[h] In 1836 Schermerhorn successfully negotiated for their removal, but the Senate refused[i] to

[a] Report to Secretary of War, 1831.
[b] 7 United States Statutes at Large, 342–348.
[c] Schoolcraft MSS., Library of Congress.
[d] George Boyd to Governor Porter, September 2, 1832, "Boyd Papers"—"Wis. Hist. Colls.," XII: 291–292.
[e] Cass to Porter, December 19, 1831, "Indian Office Letter Books," series II, No. 7, p. 497.
[f] 7 United States Statutes at Large, 405.
[g] Ibid., p. 409.
[h] "Missionary Herald," XXX: 417.
[i] Resolution, June 13, 1838.

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ratify the instrument.[a] Finally, in 1843, the Stockbridges applied for citizenship in imitation of the Brothertowns, who had made the

[a]Articles of a Treaty, made and concluded at Green Bay, Wisconsin Territory, September 19, 1836, by John F. Schermerhorn, Commissioner on the part of the United States, and the Chiefs and head men of the Stockbridge and Munsee Tribes of Indians, interested in the Lands, on Winnebago Lake, provided for them in the Menomonee Treaty, of February 1831, and assented to by them, October 27, 1832, and who now reside on Winnebago Lake, and those that are still in the State of New York.

Article first. The chiefs and head men of the said Stockbridge & Munsee Tribes of Indians, whose names are hereunto annexed, in behalf of their people, hereby cede, relinquish, & convey to the United States, all their right, title, and interest, of and to their lands on the East side of Winnebago Lake, as provided for them in the Aforesaid Treaty, for and in Consideration of the Covenants, Stipulations, and provisions contained in the several articles of this Treaty, on the part of the United States.

Article Second. The United States, in consideration of the above cession, hereby covenant and agree to dispose of and sell the lands above ceded, for the benefit of the Stockbridge and Munsee Tribes of Indians; and after the deducting from the avails thereof, the actual expenses incurred by the United States, in the survey and sales attending the same, and such reasonable sum for the lands assigned to them by this Treaty for their future homes, as the President may see fit, to fix upon it (should the Senate of the United States require it) then the Nett Avails shall be disposed of as follows

First. The Lots and improvements of each individual of the Tribes shall be valued by the Commission to be appointed by the President of the United States for that purpose, and the fair and just value of the same shall be allowed and paid to the respective owners thereof. The Lot and improvements for the Mission to go to the A. B. C. F. M. who are now in possession of the same.

Second. A sufficient sum is hereby set apart for the removal and subsistence of the whole of said Tribes of Stockbridge and Munsee Indians and for their subsistence for one year after their arrival at their new homes provided for them, by this Treaty.

Third The sum of Twenty Thousand ($20,000) dollars shall be and hereby is set apart and allowed to remunerate the *Stockbridge Tribe* for the Monies laid out, and expended by said Tribe, and for the services rendered by their Chiefs and agents in securing the title to these lands, and removal to this Country; the same to be examined and determined and paid out to the several Claimants, by the Commissioner and Chiefs as may be deemed by them most equitable and just—The remainder of the Nett Avails shall be invested by the United States in some safe and productive Stock or incorporated Company in the State of New York, and the interest thereof to be paid to the Chiefs of the Tribe to be applied by them in such manner as may be for the best interest of the Tribes, Whenever either of the Tribes or any portion of them are ready to remove after having selected their new homes they shall be furnished with the means for removal by the United States and for their one years subsistence to be reimbursed out of the Sales of their lands and any Chief who removes his Tribe or any Party not less than 100 persons shall be allowed & paid $500 for his services.

Article Third. This Treaty is on the Express Condition, that the Stockbridge and Munsee Tribes of Indians shall have the privilege first to go and examine the Indian country Southwest of the Missouri River, at the expense of the United States, and if they find a country to suit them which has not already been Ceded by the United States to any other Tribe of Indians, and if the same equal to two Townships shall be conveyed to said Stockbridge and Munsee Tribes by Patent from the President of the United States according to the provisions of the Act of Congress of June, 1830, then this Treaty shall be obligatory upon the Stockbridge and Munsee Tribes of Indians in all respects and in every part and article of the same. But if upon such examination they cannot find a Country to suit themselves, that then it is expressly understood and agreed that only the East half of the said tract on Winnebago Lake is hereby ceded to the United States; and the remaining half shall be held by them in common, but the Munsees shall not be permitted to sell or relinquish their right to the United States without the Consent of the Stockbridge Indians, and in the event of the sale of the remaining half the Munsees shall be entitled to a share of the same in proportion to their relative numbers in the amount to be invested or divided for the benefit of the Whole —— Eight Thousand dollars shall be set apart and is hereby appropriated out of the monies arising from the sale of the same for the removal of the Munsee Tribe of Indians from the State of New York, and their subsistence one year on their removal to the Indian Country South West of the river Missouri and the balance shall be paid to the Stockbridge Indians according to the third item in the second article of this Treaty.

Article Fourth. Since it is the desire of the Stockbridge Indians, that their lands shall be sold to the best advantage for their tribe; it is therefore stipulated and agreed by the

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experiment four years before;[a] but it involved them in a deal of trouble, since some of their number were very averse to a change in political status. This and the non-execution of the treaty of 1839,[b]

United States, that a Special Commission shall be appointed by the President by and with the advice and consent of the Senate of the United States, who is hereby authorized to sell and dispose of the said lands in any quantity or quantities at public or private sale as may be deemed best for the interest of said Tribes. Providing however that the same shall not be sold for less than the Minimum Congress price. It is understood that if the said Stockbridge Indians do accept of a country Southwest of the Missouri River, that then they will remove in two years from the ratification of this Treaty; and if the whole of the lands at that time are not disposed of at public or private sale, by the Consent of the Chiefs and head men of the Stockbridge Tribe of Indians the whole shall be disposed of at public or private sale on such terms as may be deemed best for their interest and the said Commissioner shall also superintend their removal and make all the necessary disbursements and pay all the Claims under the provisions of this Treaty, and render an account of the same both to the Government of the United States, and to the Chiefs of the said Stockbridge and Munsee Tribes of Indians. And it is also understood & agreed that no preemption rights shall be granted by Congress on any of these lands.

Article Fifth. Perpetual peace and friendship shall exist between the United States and the said Stockbridge & Munsee Tribes of Indians and the United States hereby guarantee to protect and defend them in the peacable enjoyment of their new homes and hereby secure to them the right in their new country to establish their own Government, appoint their own officers, make and administer their own laws and regulations, subject however to such Legislation of the Congress United States for regulating trade and intercourse among the Indians as they may deem necessary and proper. The lands secured to the Stockbridge and Munsee Tribes of Indians under this Treaty shall never be included within any State or Territory of this Union, without their consent, and they shall also be entitled to all the rights and privileges secured to any Tribe of emigrant Indians settled in said Territory.

Article Sixth. This Treaty when approved and certified by the President and Senate of the United States shall be binding on the respective parties.

In testimony whereof the said John F. Schermerhorn and the chiefs and headmen of the Stockbridge and Munsee Tribes of Indians have hereunto set their hands and seals, the day and year above written.

J. F. SCHERMERHORN
JOHN METOXEN.

In the presence of
GEORGE BOYD, *U. S. Ind. Agt.*
R. S. SATTERLEE L. M. *Surgeon U. S. Army.*

JOHN P. ARNDT	HENDRICK
CUTTING MARSH	his
M. L. MARTIN	JACOB x DAVID
W. L. V.—[*illegible*]	mark
W. B. SLAUGHTER	his
JNO. M. MCCARTY	JONAS x THOMPSON
A. G. ELLIS	mark
D. GIDDINGS	JOSEPH M. QUINNEY
AUSTIN QUINNY	SIMON S. METOXEN
JACOB CHICKS	his
T. JOURDAN	Capt. x PORTER
JNO. W. QUINNEY	mark

The aforesaid treaty having been submitted & explained, by J. F. Schermerhorn Commissioner, it is hereby assented to and agreed unto, in all its provisions, and stipulations, in the presence of Ch[s]. C. Brodhead, commissioner on the part of the State of N. York in behalf of the Munsees now residing in the State of New York. Oct. 15th, 1836.

his
JOHN x WILSON
mark

In the presence of
CHS. C. BRODHEAD
GEORGE TURKEY-*interpreter.*

("Treaty Files," 1802–1853, "Indian Office MS. Records.")

[a] Marsh's Scottish Report for 1842, "Wis. Hist. Colls.," XV: 175.

[b] 7 United States Statutes at Large, 580–582.

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about which we shall have more to say later, finally induced the so-called "Indian party," to apply for permission to emigrate southward.[a]

After the Green Bay settlement of 1831–32, Jackson's indifference, for surely we may call it that, toward the extinguishment of Indian titles in New York returned and to so great a degree that it was variously commented upon; but if he could plead lack of funds and excess of work as excuses in 1831,[b] he certainly could in the years succeeding. It was the time of the Indian question and of the tariff, and the contrast between the energy displayed in Georgia for removal and that in New York probably contributed to the loss of many Administration votes; for as Van Buren wrote to F. P. Blair,[c] September 12, 1842, the New York Democrats were then getting decidedly sore about the continued southern policy of their party. They believed that all along the South had been benefited at the expense of the North.

As a matter of fact, though, Jackson, while still remaining at bottom indifferent to the Iroquois in the Empire State, did make one last effort to negotiate with them. This was in 1836. The motive power was not the relief of New York itself, but of the Northwest,[d] and so we find, as if preparatory to the statehood of Michigan, Governor Henry Dodge starting out to extinguish the Indian title to Wisconsin lands.[e] He succeeded with the Menominees,[f] but not with their neighbors; so his place, in so far as the New York bands were concerned, was taken by the redoubtable Schermerhorn,[g] who, as it turned out, was accompanied by very useful delegates from the St. Regis and Tuscarora Indians, men most "zealous," the commissioner reported,[h] "in promoting the views of the government," and the treaty of Duck Creek was successfully negotiated on the 16th of September. It had been at first intended to hold a great general council of the New York Indians at Buffalo, but Schermerhorn knew that if that were done failure would be inevitable, since the Senecas were intrenched in their old obstinacy and were managing to overawe the Cayugas who lived

[a] Marsh's Scottish Report for 1843, Ibid., pp. 178–179.

[b] S. S. Hamilton to James Stryker, May 20, 1831, "Indian Office Letter Books," Series II, No. 7, p. 244.

[c] Van Buren Papers.

[d] All parties seem to have been anxious to have the Northwest relieved of its Indian incumbrance at this juncture. In February, 1836, the Senate passed a resolution looking toward that end, and in the following March the Indian agent at Green Bay, Col. George Boyd, transmitted to Elbert Herring the items of a proposed treaty with the Menominees. ("Green Bay Files," 1835–1838, "Indian Office MS. Records.")

[e] Dodge's commission seems to have empowered him to treat generally with the frontier tribes. ("Wisconsin Files," 1836–1842, "Indian Office MS. Records.")

[f] 7 United States Statutes at Large, 506.

[g] In connection with Gen. W. R. Smith, Governor Dodge continued the work of negotiating on the frontier, and in the spring of 1837 was treating with the Chippewas. ("Wisconsin Files," 1836–1842, "Indian Office MS. Records.")

[h] Schermerhorn to Jackson, October 29, 1836. Jackson Papers.

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with them. Personally, the reverend commissioner was afraid of political criticism, for his methods "of removing prejudices and misrepresentations," as he called them, were none of the best. Clay's recent speech in Kentucky had been very abusive, and he was alarmed lest John Ross should contemplate some new move at Washington for frustrating his designs. "I expect," wrote he, "a violent and last opposition on the Indian question." His wish was to be present at the seat of Government when this attack should come, so as to correct misrepresentation; for, "after what has transpired," wrote he, "I need expect no very kind treatment from Judge White, Mr. Clay, or any of that class of politicians, and if they can make any difficulty in the ratification with the New York Indians, they will do it." His forebodings were correct, and Jackson's Administration closed without anything having been done to free it from the charge of indifference to the Empire State.

A different course of action was to be expected from one of her own sons, and Van Buren tried not to fall short of practical loyalty. A thing that would help him, and that really did, as will be shown in the sequel, although discreditable to the Indian, was the treachery of prominent chiefs. The Ogden Land Company had now abandoned all hope of converting Wisconsin into an Indian territory, and its only hope lay in a provision such as Schermerhorn had inserted in the treaty of Duck Creek—removal to the country west of Missouri. Toward this end all efforts from now on were directed.

It is scarcely necessary to go into the details of the treaty which, under the sanction of the United States commissioner, Ransom H. Gillet, was reported to have been negotiated at Buffalo Creek, January 15, 1838. Its repudiation is much more interesting, for it revealed the noble efforts of the Society of Friends in behalf of an oppressed and outraged people. Red Jacket had turned for help to the Quakers in 1827 and again in 1829, but their means were not equal to an interference just then. The old man's dejection moved them at last to active pity, and, from 1830 on, they labored for Seneca relief.[a]

The fraudulent character of the treaty of Buffalo Creek aroused their deepest indignation; and, in the winter of 1838–39, they appointed a committee to protest against its ratification. As a result, Van Buren authorized the Secretary of War to call an Indian council at Cattaraugus and receive testimony. The council met August 12, 1839. The Society of Friends was fully represented, and in the following November handed in to the President a formal exposure of the frauds. Van Buren demanded additional proof, which called forth the memorials of January 29, 1840, the one to him as President

[a] "Proceedings of the Joint Committee of the Society of Friends, 1847."

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and the other to the Senate.[a] By the strangest reasoning, however, the Senate resolved upon ratification March 25, 1840. It was said to have been done by the casting vote of Richard M. Johnson at a time when the senatorial friends of the Indian were for the most part absent. The Society of Friends remonstrated to Van Buren, who admitted that it was all a "most iniquitous proceeding." He confirmed it, nevertheless. The treaty provided for removal to Kansas, but the Indians never went there in any appreciable numbers, and their persistent refusal to do so proved the source of an almost endless litigation in which their rights as against those of the Ogden Land Company were always more or less of a secondary consideration.

The Indian State, which Calhoun had hinted at and Barbour had planned, was never created, although Isaac McCoy did, under instructions from Eaton, lay out a seat for its government. During the progress of removal in the South, the tribes frequently requested that they might be assured of a regular government should they emigrate. Doubtless, they would have gone readily if that had been done, but it never was. The disencumbering of the Eastern States was the main thing thought of, and all other interests, even though they involved the fate of a race, were disregarded. The best criticism that can be passed upon Indian removal is that it was a plan too hastily and too partially carried into execution for its real and underlying merits ever to be realized. That it had merits none can gainsay. But since it stopped short of self-government, for which some of the tribes were even then well fitted, it was bound to be only a temporary expedient. The titles given in the West proved less substantial than those in the East, for they had no foundation in antiquity. The Government gave them and, when it so pleased, defined them. As a consequence, before the primary removals had all taken place, the secondary had begun, and the land that was to belong to the Indian in perpetuity was in the white man's market.

[a] "Proceedings of the Joint Committee of the Society of Friends, 1847."

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A BIBLIOGRAPHICAL GUIDE TO PRIMARY AND SECONDARY AUTHORITIES.

ADAMS, HENRY. "History of the United States of America," 1801–1817, nine volumes, New York, 1889–1891.

The best general history for the period covered, found particularly useful for a connected and scholarly account of the Ghent negotiations, but ought to be supplemented by the results of Captain Mahan's more recent investigations.

ADAMS, J. Q. Memoirs of, edited by Charles Francis Adams, twelve volumes, Philadelphia, 1874–1877.

Strictly speaking, this is an edition of J. Q. Adams's Diary, and is very valuable for tracing the United States Indian policy from 1825 to 1829.

ADAMS, RICHARD C. "Memorial, with Brief History of the Delaware Indians."

This is usually cited as Senate Document No. 16, Fifty-eighth Congress, first session. In many respects it is a mere sketch, but, as Mr. Adams is a Delaware Indian, it is especially interesting and is reliable as to its facts.

ADAMS, RICHARD C. "A Brief Sketch of the Sabine Land Cession," pamphlet, Washington, D. C., 1901.

Indicates how intense was the desire of the Delawares and allied tribes to escape after 1830 from the jurisdiction of the United States.

ALDEN, TIMOTHY (Rev.). "An Account of Sundry Missions among the Senecas and Munsees," one volume, New York, 1827.

A series of letters from 1816 on, giving a first-hand impression of Indian progress in civilization.

"AMERICAN ANNUAL REGISTER," 1825–1833. Eight volumes, published by G. & C. Carvill, New York.

Contains material on the Georgia-Creek controversy, but only such as can be easily obtained elsewhere.

AMERICAN STATE PAPERS (Peter Force Collection), 1789–1837; first series, twenty-one volumes; second series, seventeen volumes.

"Claims," one volume.

"Commerce and Navigation," two volumes.

"Finances," five volumes.

"Foreign Relations," 1789–1828, six volumes.

"Indian Affairs," 1789–1827, two volumes.

"Military Affairs," 1789–1838, seven volumes.

"Miscellaneous Affairs," two volumes.

"Naval Affairs," four volumes.

"Post-Office Affairs," one volume.

"Public Lands," 1789–1837, eight volumes.

The two volumes on Indian Affairs, viz, Vol. I, March 4, 1789–November 18, 1814, and Vol. II, November 18, 1814–March 1, 1827, selected and edited by Walter Lowrie and Walter S. Franklin under authority of Congress and published by Gales & Seaton, are the most valuable printed source of infor-

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AMERICAN STATE PAPERS—Continued.

mation about the Indians during the early years of the United States Government. The documents, taken directly from the Indian Office, are usually given entire, and arranged either consecutively by dates as they came into or were sent out by the Department or in groups as called for by Congressional resolutions. A close comparison with the originals bears witness to careful editing. The several volumes on "Military Affairs" and "Public Lands" occasionally contain Indian Office documents. For the student of Indian political relations with the United States Government the "American State Papers" are not only a primary, but also an original source, since many of the papers from which their contents were copied or extracted seem to have disappeared entirely.

ANDERSON, WILLIAM D. "Papers of."

The Rev. William D. Anderson was a missionary for a very short time to the Wyandots of Ohio. His papers, now in the possession of the Kansas Historical Society, deal with the period previous to 1815, but contain nothing that bears specifically upon removal.

ANDREWS, TIMOTHY (Major). "Papers of."

These deal with the Georgia-Creek controversy, and are to be found among the Indian Office MS. Records.

"ANNALS OF CONGRESS," forty-two volumes, Washington, D. C.

A record of the debates and proceedings of the Congress of the United States from 1789 to 1824. Practically, the set is divided into two series, the first covering the period from March 3, 1789, to March 3, 1791, and the second that from October, 1791, to May 27, 1824.

ARMSTRONG, PERRY A. "The Sauks and the Black Hawk War," one volume, Springfield, Ill., 1887.

Somewhat prejudiced politically. Brings out strongly Ninian Edwards's hostile attitude toward the Sac and Fox Indians and his untiring efforts to have them removed.

ATWATER, CALEB. "The Indians of the Northwest," one volume, Columbus, 1850.

In 1829 Atwater was added by Jackson to a commission already composed of General McNeil and Col. Pierre Menard for the purpose of conferring with the Indians respecting the mineral lands near the Mississippi River and south of the Wisconsin. His book is full of mawkish sentimentality and of pedantry concerning the origin of the American aborigines. Indeed, it has little historical value, except that it gives something of the contemporary view touching Indian removal, to which Atwater was steadily opposed. He was also opposed to the extravagant expenditure, under the plea of philanthrophy, of money for the Indians.

BARB, JAMES (Captain). "A Correct and Authentic Narrative of the Indian War in Florida," one volume, New York, 1836.

Of little value aside from the illustration it gives, in connection with Dade's massacre, of the lamentable condition of the United States Army at the time of the second Seminole war.

BARROWS, WILLIAM. "The Cherokee Experiment," in "Andover Review," February, 1887, VII: 169–182.

BECKWITH, HIRAM W. "The Illinois and Indiana Indians," in "Fergus Historical Series," No. 27, Chicago.

Of some slight value for the years from 1820 to 1825.

BELL, Mrs. HELEN D. "The History of a County," in "Mississippi Historical Society Publications," IV: 335–342.

Interesting for an account of the negotiation of the treaty of Doak's Stand, 1820.

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BENTON, THOMAS H. "Thirty Years' View," two volumes, New York, 1854.

Although of the nature of recollections, is a fairly accurate and unprejudiced description of men, policies, and events from 1820 to 1850.

BENTON, THOMAS HART. "Abridgment of the Debates of Congress," 1789–1856, sixteen volumes, New York, 1857–1861.

BIDDLE, JAMES W. "Recollections of Green Bay in 1816–17," in "Wisconsin Historical Collections," 1: 49–63.

A short reminiscent account of the pioneers and much that is interesting about the Menominee chief, Toma.

BIGGS, URIAH. "Sketches of Sac and Fox Indians," in "Annals of the State Historical Society of Iowa," July, 1865.

Useful for impressions of Black Hawk.

BLACK HAWK, "Life of Ma-ka-tai-me-she-kia-kiak or," one volume, Boston, 1834.

This is said to have been dictated by Black Hawk himself to the half-breed United States interpreter for the Sacs and Foxes, Antoine le Claire, in August, 1833, and afterwards edited and published by J. B. Patterson. Its authenticity was impeached by Governor Ford in his "History of Illinois;" but writers of well-known historical scholarship, like R. G. Thwaites have not hesitated to quote it as an authority.

BOYD, GEORGE, "Papers of, with Sketch of His Life," in "Wisconsin Historical Collections," XII: 266–298.

Boyd, in the capacity of Indian agent, first at Michillimackinac from 1818 to 1832 and next at Green Bay from 1832 to 1840, had an excellent opportunity of noting the relations between the white men and the Indians, and his papers are full of information on that score, particularly of the period of the Black Hawk war.

BRACKEN, CHARLES (General). "Further Strictures on Governor Ford's History of the Black Hawk War," in "Wisconsin Historical Collections," 1855, II: 402–414.

Makes out a short but rather strong case of prejudice and inaccuracy against Ford; but is itself prejudiced.

BRADY, CYRUS TOWNSEND. "The True Andrew Jackson" (True Biographies Series), one volume, New York, 1905.

Of general interest in the study of Jackson's personality, but has next to nothing to say about his Indian policy.

BRANNAN, JOHN. "Official Letters of the Military and Naval Officers of the United States during the war of 1812."

Inserted because it contains such documents of importance as Hull's "Proclamation to the People of Canada," July 12, 1812.

BRISH, HENRY C., "Papers of."

Brish, as United States agent, helped to move some of the Senecas and Delawares from Ohio, 1831–1834. These papers comprise his personal records of the very minutest transactions of that emigration and are now in the possession of the Kansas Historical Society.

"BRITISH AND FOREIGN STATE PAPERS," forty-six volumes, London, 1839–1865.

Correspond to though are less comprehensive than the "American State Papers," and include documents of various sorts, diplomatic dispatches, parliamentary papers, and the like, from 1814 to 1856. They were compiled by the librarian and keeper of the papers in the Foreign Office.

BROCK, SIR ISAAC, "The Life and Correspondence of," edited by Ferdinand Brock Tupper, London, 1845.

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BROWN, HENRY. "The History of Illinois," one volume, New York, 1844.

Facts given largely from the pioneer point of view, very noticeable in the account of the Black Hawk war.

BRYMNER, DOUGLAS. "Reports on Canadian Archives," 1893–1894, one volume. Ottawa, 1894.

Is really a calendar of the State papers of Upper and Lower Canada separately for the years 1807 to 1813, an important semi-primary source for British relations with the northwestern Indians.

BUELL, AUGUSTUS C. "History of Andrew Jackson," two volumes, New York, 1904.

Is decidedly pro-Jackson and has nothing really new to offer on his Indian policy.

BULGER, ALFRED E. (Captain), "Papers of," edited by Reuben G. Thwaites for "Wisconsin Historical Collections," XIII: 10–153.

Has much on the condition of the Indians in the Northwest immediately after the war of 1812.

BURNET, JACOB. "Notes on the Early Settlement of the Northwestern Territory, one volume, Cincinnati and New York, 1847.

Presents a fairly good picture of pioneer life, but is inaccurate in details.

CALHOUN, JOHN C., "Works of," edited by Richard K. Crallé, six volumes, New York, 1888.

Although Calhoun corresponded so much about the Indians, there is comparatively little, one might say almost nothing, in his published works on the subject, and this is true, not only of Crallé's edition of his general works and of Professor Jameson's calendar of certain heretofore unpublished letters, but likewise of the Harper Brothers' collection of his speeches published in 1843.

CAMPBELL, JOHN ARCHIBALD. "The Creek Indian War of 1836," in "Transactions of Alabama Historical Society." III: 162–166.

Being two letters by a contemporary, both written long after the events.

CASTLEREAGH, VISCOUNT, "Correspondence, Dispatches, and Other Papers of," edited by Charles W. Vane, Marquess of Londonderry, London, 1852.

Volume X covers the period of the Ghent negotiations.

CATON, J. D. "The Last of the Illinois and a Sketch of the Pottowatomies," in "Fergus Historical Series," No. 3, Chicago, 1876.

Caton writes, as a contemporary, living in the neighborhood, of the removal of the Pottawatomies.

CHAMBERS, TALBOT W. "Memoir of the Life and Character of Hon. Theo. Frelinghuysen," one volume, New York, 1863.

CHAPPELL, J. HARRIS. "Georgia History Stories," in "Stories of the States" series, published by Silver, Burdett & Co., Boston, 1905.

Readable and accurate.

CHEROKEE NATION. "Address of Committee and Council to the People of the United States," 1830 (pamphlet).

An outline of Cherokee political relations with the United States.

CHEROKEE NATION, "Emigration Papers of," among Indian Office records.

CHEROKEE NATION, "Laws of," adopted by the council at various periods (pamphlet), Knoxville, 1826.

Useful as indicating progress in civilization.

CHOCTAW NATION, "Case of, against the United States" (pamphlet), Washington, 1872.

Contains a résumé of their political relations with the United States.

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CHOCTAW NATION, "The Constitution and Laws of" (pamphlet), Park Hill, Cherokee Nation, 1840.

The constitution was made 1838; the laws bear date 1834–1839.

CHOCTAW NATION, "Papers Respecting the Rights and Interests of" (pamphlet), Washington, 1855.

Contains several important documents bearing upon the violation of the treaty of 1820 and the non-execution of the treaty of 1830.

CHRISTIAN JOURNAL, THE, fourteen volumes, edited by Bishop Hobart, from 1817 to 1830.

Contains letters and papers bearing upon the Oneida Indians.

CLAIBORNE, J. F. H. "Mississippi as a Province, Territory, and State," Jackson, 1880.

Claiborne was one of the commissioners appointed by the United States, 1842–1843 to inquire into and adjudicate the claims of the Choctaws under the treaty of 1830. His account of the Choctaw removal and of the events occasioning it is short but fair.

CLARK, SATTERLEE. "Early Times at Fort Winnebago and Black Hawk War Reminiscences," in "Wisconsin Historical Collections." VIII: 309–321.

Has local interest, but little historical value.

CLARK, WILLIAM, "Papers of," in the possession of the Kansas Historical Society.

This collection of twenty-nine folio manuscript journals is somewhat inaccurately named, since it includes not only the records of Governor Clark, but likewise those of his successors in the office of superintendent of Indian affairs at St. Louis. They furnish numerous details, important and unimportant, in the history of Indian removal.

CLAY, HENRY, "The Life, Correspondence, and Speeches of," edited by Calvin Colton, six volumes, New York, 1857.

———. The same, with an introduction by Thomas B. Reed and a "History of Tariff Legislation from 1812 to 1896" by William McKinley, seven volumes, New York, 1897.

Clay was not interested in the Indians for their own sake, and his works furnish nothing for the investigator except in connection with the removal of the Cherokees, on which question he took, as was to have been expected, a decided stand against Jackson.

COHEN, M. M. "Notices of Florida and the Campaigns," one volume, Charleston, S. C., and New York, 1836.

Very serviceable for details of negotiations with the Seminoles, talks of chiefs, etc., relative to removal.

COLTON, CALVIN. "A Tour of the American Lakes and among the Indians of the Northwest Territory in 1830," two volumes, London, 1833.

Excellent for an account of the New York emigration to Green Bay, probably obtained from conversations with Rev. Eleazer Williams, and for contemporary adverse opinions on the general subject of removal.

COPLEY, A. B. "Early Settlement of Southwestern Michigan," in "Michigan Pioneer Collections," V: 144–151.

Interesting for the subject in hand because of its biographical references to Isaac McCoy.

COPWAY, GEORGE (Kah-Ge-Ga-Gah-Bouh). "The Organization of an Indian Territory East of the Missouri River," one volume, New York, 1850.

Copway, a Chippewa chief, advocated before the Thirty-first Congress the erection of a new Indian Territory which should be an improvement upon the old, by offering an asylum to northern bands only, and by providing at the outset for Indian self-government.

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CRAWFORD, W. H., "Papers of." Consult Phillips's "Georgia and State Rights," page 213.

CREEKS, "Emigration Papers of," MSS., among the Indian Office Records.

Relate to the final removal of the tribe from the country east of the Mississippi River.

CREEKS, "Examination of the Controversy between Georgia and the." First published in the "New York Review," August, 1825. Based upon the documents.

CROWELL, JOHN (Colonel), "Defense of," MSS., among the Indian Office Records.

Submitted by the agent himself to the Government in vindication of his own conduct before, during, and subsequent to the negotiation of the treaty of Indian Springs. Consists of letters, affidavits, results of cross-examinations, etc.

CRUIKSHANK, E. (Major). "The Documentary History of the Campaigns upon the Niagara Frontier, 1812," collected and edited for the Lundy's Lane Historical Society.

CURRY, BENJ. F. ("Papers of"), MSS., among the Indian Office Records, addressed to various individuals, notably Schermerhorn, Wilson Lumpkin, and William Carroll, as well as to Government officials.

Such as were not originally intended for the Department seem to have been forwarded to Washington after Curry's death. All are of incalculable value when studied in connection with the Cherokee removal.

CUTLER, JULIA PERKINS. "Life and Times of Ephraim Cutler," one volume, Cincinnati, 1890.

Throws light upon the growth of Ohio and contains some documentary material.

DANFORTH, ELLIOT. "Indians of New York," in "Oneida Historical Society Transactions," VI: 152–203.

Instructive for conditions among these Indians during Jackson's régime.

DAVIDSON, ALEXANDER, and STUVÉ, BERNARD. "A complete History of Illinois," 1673–1873, one volume, Springfield, 1877.

Contains much eulogistic matter relative to pioneers, but is usually very fair in its account of the Indians.

DAVIDSON, JOHN NELSON. "The Coming of the New York Indians to Wisconsin," in "Wisconsin Historical Society Proceedings," 1899, pages 153–185.

A good general account derived from such secondary authorities as Colton, Ellis, etc.

DAWES, E. C. "The Scioto Purchase in 1787," in "Magazine of American History," XXII: 470–482.

DAWSON, W. C. "A Compilation of the Laws of Georgia," 1819–1829, one volume, Milledgeville, 1831.

DECIUS, "Letters of" (pamphlet), Louisville, 1805.

A series of charges, addressed to Secretary of State, James Madison, against W. H. Harrison. They contain some slight references to Harrison's work as superintendent of Indian affairs.

DILLARD, ANTHONY W. "The Treaty of Dancing Rabbit Creek," in "Alabama Historical Society Transactions," III: 99–106.

An account of Choctaw conditions in 1830.

DILLON, JOHN BROWN. "Decline of the Miami Nation," in "Indiana Historical Society Publications," I: 121–143.

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DIX, MORGAN (Rev. Dr.), (editor). "A History of the Parish of Trinity Church, New York," 1905.

Volumes III and IV contain many of the letters and other papers of Bishop Hobart, relative to the missionary work among the New York Indians.

DODGE, RICHARD I. "The Plains of the Great West," one volume, New York, 1877.

Contains a good criticism of the Indian treaty-making policy.

DOTY, JAMES DUANE, "Papers of," edited by R. G. Thwaites, and published in "Wisconsin Historical Collections," XXIII: 163–246.

Doty was selected by Cass as official secretary of the United States exploring expedition of 1820, and this collection, pages 163–219, contains his journal, which supplements and, by Thwaites's comparison, accords with Schoolcraft's narrative of the same expedition published in 1855. It furnishes material on the Indians only incidentally. The remainder of the papers here printed deal with the Territorial organization of Wisconsin.

DONALDSON, THOMAS. "The Public Domain; Its History, with Statistics," one volume, Washington, 1884.

Has a good exposition of the Indian status.

DRAKE, BENJAMIN. "The Life and Adventures of Black Hawk," seventh edition, Cincinnati, 1849.

Considering his nearness to the events, Drake, though somewhat of a hero worshipper, produced a fairly reliable and unprejudiced work.

DRAKE, BENJAMIN. "The Life of Tecumseh and of His Brother, the Prophet," one volume, Cincinnati, 1858.

Contains constant reference to the Harrison letters and other documentary material.

DUNN, JACOB PIAT. "History of Indiana," in "American Commonwealth" series, one volume, Boston, 1888.

Has recently been issued in a revised and enlarged edition. Is perhaps the best secondary source for the early history of Indiana.

EDWARDS, NINIAN, "Papers of," edited by E. B. Washburne, one volume, "Chicago Historical Society Collections," III.

Contains only a portion of the Edwards' collection. Those letters and papers that appeared in N. W. Edwards's life of his father are not here reproduced. The documents are useful for local and general politics, but do not contain much material on the Indians.

EDWARDS, NINIAN WIRT. "History of Illinois, 1778–1833, and Life and Times of Ninian Edwards," one volume, Chicago Historical Society Publication, Springfield, 1870.

Contains some documentary material.

ELLIS, ALBERT G. (General). "Life and Public Services of James Duane Doty," in "Wisconsin Historical Collections," V: 369–377.

ELLIS, ALBERT G. (General). "Recollections of Rev. Eleazer Williams," in "Wisconsin Historical Collections," VIII: 322–352.

A touch of bitter personal feeling detracts from the dignity and true worth of this production. Nevertheless, it introduces us to the real Mr. Williams, and we understand, as never before, his relations to the Oneidas and allied bands.

ELLIS, ALBERT G. (General). "Some Account of the Advent of the New York Indians into Wisconsin," in "Wisconsin Historical Collections," II: 415–449.

Events narrated some thirty years after they are supposed to have occurred yet, as Ellis was the assistant of Rev. Eleazer Williams and free

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ELLIS, ALBERT G.—Continued.
from his vagaries, he was in a position to know the history of the New York Indian emigration intimately and well. His statements are very suggestive and in the highest degree helpful to further research.

EVARTS, JEREMIAH. "Essays on the Present Crisis in the Condition of the American Indians," one volume, Boston, 1829.
These essays, twenty-four in number, were first published in "The National Intelligencer" under the pseudonym of "Wm. Penn." They constitute a very fine exposition of the wrongs committed against the Indians and bear few traces of having been written from the absolutely missionary point of view.

EVARTS, JEREMIAH (editor). "Speeches on the Passage of the Bill for the Removal of the Indians," one volume, Boston and New York, 1830.
This is a collection of the principal Senate and House speeches against removal, April and May, 1830, and is very convenient for ready reference.

FAIRBANKS, GEORGE R. "History of Florida," one volume, Philadelphia, 1871.
Chapters XIX to XXIII inclusive deal with the Seminoles, and are fairly trustworthy.

FINLEY, JAMES B. (Rev.). "History of the Wyandott Mission at Upper Sandusky, Ohio," one volume, Cincinnati, 1840.

FINLEY, JAMES B. (Rev.). "Life Among the Indians, or Personal Reminiscences and Historical Incidents," edited by Rev. D. W. Clark, one volume, Cincinnati, 1868.

FONDA, JOHN H. "Early Reminiscences of Wisconsin," in "Wisconsin Historical Collections," V: 205–284.
Fonda, an early pioneer of Wisconsin, dictated the individual parts of this article to the editor of the "Prairie du Chien Courier," and it was in that paper that they first appeared. (L. C. Draper's edtorial note, "Wisconsin Historical Collections," V: 205.) Their shortcomings as reminiscences are more than compensated by their suggestiveness.

FORCE, M. F. (General). "Some Early Notices of the Indians of Ohio," one volume, Cincinnati, 1879.
A first-class report upon early conditions.

FORD, THOMAS. "A History of Illinois," 1818–1847, one volume, Chicago, 1854.
Exceedingly partisan and said to have been composed for personal vindication.

FOSTER, ARTHUR. "A Digest of the Laws of Georgia," 1820–1829, one volume, Philadelphia, 1831.

GAINES, EDMUND P., "Report of," MSS., among the Indian Office Records, being the results of his investigations relative to the Georgia–Creek controversy.

"GALES AND SEATON'S REGISTER OF DEBATES IN CONGRESS," thirteen volumes, Washington.
Cover the period from December, 1824, to March, 1837. Invaluable.

GALLATIN, ALBERT, "Writings of," edited by Henry Adams, three volumes, Philadelphia, 1879.

GARRETT, WILLIAM ROBERTSON, and GOODPASTURE, ALBERT VIRGIL. "History of Tennessee," one volume, Nashville, 1900.
On the text-book order, but contains interesting biographical sketches of such men as Crockett, Houston, Carroll, etc.

GARRISON, WILLIAM LLOYD, "Life of," as told by his children, four volumes, New York, 1885–1889.
Contains occasional references to Garrison's opposition to Jackson's Indian policy and to Georgia's treatment of the Cherokees.

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GIDDINGS, JOSHUA R. "The Exiles of Florida," one volume, Columbus, 1858.

Has a place in an Indian bibliography only as throwing a little light upon the negotiation of early Creek treaties.

GILMER, GEORGE ROCKINGHAM. "Sketches of Some of the First Settlers of Upper Georgia, of the Cherokees, and the Author," one volume, New York, 1855.

A very egotistical book, but convenient for reference because of its documentary material, in particular the Gilmer-Wirt correspondence relative to the Cherokee case.

GREEN, CHARLES R. "The Indians of Huron County, Ohio," in "The Firelands Pioneer," XV: 1052–1073.

The subject-matter is entertaining and reliable though somewhat detached, as is often the case with the writings of local historians. For years Mr. Green has been collecting material on "The History and Traditions of the Marais des Cygnes Valley," which will greatly contribute to our knowledge of Indian removals.

GRIGNON, AUGUSTIN. "Seventy-Two Years' Recollections of Wisconsin," in "Wisconsin Historical Collections," III: 197–295.

The article concerns itself with recollections more of individual Indian chiefs than of historical conditions.

HALBERT H. S. and BALL, T. H. "The Creek War of 1813 and 1814," one volume, Chicago, 1895.

Professor Channing very accurately describes it as "often prejudiced" but "compiled from all available material, original, secondary, and traditional." (Larned, p. 169.)

HALKETT, J. "Historical Notes Respecting the Indians of North America, with Remarks on the Attempts Made to Convert and Civilize Them," one volume, London, 1825.

General, superficial, and frequently inaccurate.

HANSARD, T. C. "Parliamentary Debates," 1803 to date. Five series, London.

HANSON, JOHN H. "The Lost Prince," one volume, New York, 1854.

Contains a little material bearing upon Eleazer Williams's Indian interests, but not enough to make us think that in that respect also the pretender to French royalty had imposed upon the credulity of the author.

HARDEN, EDWARD JENKINS. "The Life of George McIntosh Troup," one volume, Savannah, 1859.

The chief value of this eulogistic biography lies in its collection of original material. Were the book itself more common, it might be regarded as the most accessible, because most convenient, repository of documents on the Georgia-Creek controversy. The author has introduced them chronologically and, in most cases, pointed out, in very fitting terms, their interrelation. As he says in his preface, "Troup's private correspondence must have been extensive; and, without doubt, much of it has been irrecoverably lost."

HARVEY, HENRY. "History of the Shawnee Indians, 1681–1854," one volume, Cincinnati, 1855.

A connected but very meager account, almost useless for purposes of reference.

HATCH, W. S. (Colonel). "A Chapter in the War of 1812," one volume, Cincinnati, 1872.

Hatch writes from memory. His chief fault is the use of too strong language. He pays high tribute to the character of Tecumseh and to that of the northwestern Indians generally.

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HAWKINS, BENJAMIN, "Papers of." Consult Phillips's "Georgia and State Rights," p. 214.

HAYES, CHARLES W. (Rev.). "The Diocese of Western New York," one volume, second edition, New York, 1904.

Best and fullest general account of Bishop Hobart's relations with Eleazer Williams and the Oneidas.

HAZARD, SAMUEL (editor). "Register of Pennsylvania," 1828–1835, sixteen volumes.

Has little contemporary material on the Indians, but, beginning with Volume XII, offers an interesting series of articles on the history of land titles in Pennsylvania which involves a knowledge of the Indian's legal status.

HECKEWELDER, JOHN (Rev.). "A Narrative of the Mission of the Moravian Brethren's Church Among the Delaware and Mohegan Indians from 1740 to 1808," one volume, Philadelphia, 1820.

Very instructive for the early history of the Ohio Valley. William E. Connelley, the present owner of the original manuscript, is proposing to edit a new and more complete edition of it, the arrangement of which shall be as nearly as can be ascertained in line with the missionary's first intentions, the publishers having abbreviated and altered the original copy.

HERBERMANN, CHARLES GEORGE. "A French Émigré Colony in the United States," 1789–1793, in "History, Records, and Studies of the United States Catholic Historical Society," I, Part I, pages 77–96.

The material is based upon an article by M. Henri Carré in the "Revue de Paris," May 15, 1898, but is more interesting than that as a sidelight upon the events that necessitated St. Clair's expedition.

HILDRETH, RICHARD. "The History of the United States to 1821." Revised edition, six volumes, New York, 1882.

HOBART, JOHN HENRY (Bishop), "Papers of."

The manuscripts of the Right Rev. John Henry Hobart are among the archives of the Episcopal Church, preserved in a fireproof safe in room 46 of the Church Mission House, 281 Fourth avenue, New York City, under the guardianship of the acting registrar, the Rev. Dr. Samuel Hart. They consist of letters and other documents extending from Hobart's entrance to Princeton in 1791 to a short time before his death which occurred at Auburn, N. Y., September 10 (12?), 1830. The letters are from members of his family, especially his mother, from his classmates, and from other friends in the period to 1800. After that, they are from bishops, clergymen, and laymen of the Episcopal Church in America, also of the Church of England, and from distinguished persons on the continent of Europe. They are in number more than six thousand. About three thousand are indorsed and filed alphabetically in bundles. The others are inserted in the stubs of old voucher, or stock books, chronologically from 1802 to 1820. An index to the letters in bundles was published in the third volume of Doctor Dix's "History of Trinity Church" (Appendix pp. 487–497). In the bound volumes of the Hobart Papers are many letters from people connected with the Oneida Reservation in New York and a few that deal particularly with the proposed removal to Wisconsin. Many of the letters and other papers touching upon the Indians, in whose moral and spiritual welfare Bishop Hobart was vitally interested, were published at the time of their issue, the earlier ones in the "Christian Journal" and the later in the "Gospel Messenger." Some have more recently appeared in Doctor Dix's "History of Trinity Church."

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HOBART, JOHN HENRY (Bishop), "Memorial of," a collection of sermons on the death of the Right Rev. J. H. Hobart, with a memoir of his life and writings, one volume, New York, 1831. Edited anonymously by John Frederick Schroeder, an assistant minister of Trinity Church in New York.

HODGSON, ADAM. "Letters from North America, Written During a Tour in the United States and Canada," two volumes, London, 1824.

The second volume has much concerning the civilization of the southern Indians and notes the Cherokee aversion to further cessions.

HOLST, HERMANN E. VON. "The Constitutional and Political History of the United States," 1750–1859. Translated by John J. Lalor et al., eight volumes, new edition, Chicago, 1899.

HULBERT, ARCHER BUTLER. "Historic Highways of America, sixteen volumes, Cleveland, 1902–1905.

Certain volumes and certain chapters in other volumes are of exceedingly great interest for the passing of the Indian.

HULBERT, ARCHER BUTLER. "Redmen's Roads; the Indian Thoroughfares of the Central West," one volume, Columbus, 1900.

HULBERT, ARCHER BUTLER. "The Old National Road; a Chapter of American Expansion," one volume, Columbus, 1901.

INDIANS. "Reports on," 1790–1834. Embodied in the reports of the Secretary of War.

INDIAN AFFAIRS, "Reports of the Commissioners," 1835 to date, Washington, D. C.

The Indian Office proper, as a regular and distinct subdivision of the War Department, was not created until 1835, and in that year the first Commissioner of Indian Affairs was appointed. The reports of this official dating from that time are full of matter relative to the past and present of the Indian.

"INDIAN AFFAIRS, LAWS, AND TREATIES," (Senate Document No. 452, Fifth Congress, first session.)

Compiled and edited by Charles J. Kappler, clerk to the Senate Committee on Indian Affairs, two volumes, Washington, D. C., 1903.

INDIAN COMMISSIONERS, "Annual Reports of the Board of," 1869–1905.

In 1860 a Board of Indian Commissioners was organized, responsible to the Secretary of the Interior, and assigned the duty of annually reporting upon Indian conditions and ways in which they might, if bad, be ameliorated. The reports contain many reflections upon past events that lighten the labor of the investigator.

INDIANS. "Documents and Proceedings Relating to the Formation and Progress of a Board in the city of New York for the Emigration, Preservation, and Improvement of the Aborigines of America, July 22, 1829." Compiled by Vanderpool & Cole, New York, 1829.

The contents of this publication include the constitution of the board, correspondence with Thomas L. McKenney relative to its organization, Jackson's talk to the Creeks, and his talk to the Cherokee delegation, etc.

INDIANS. "Laws of the Colonial and State Governments Relating to Indians and Indian Affairs from 1624 to 1831, inclusive," published by Thompson & Homans, Washington, D. C., 1832.

INDIAN OFFICE RECORDS.

The material in the second and in all succeeding chapters, except the third, is largely based upon the official records preserved in the Indian Office at Washington, D. C. These records have had a very precarious existence and are even now in a somewhat disorganized and perishable condition. They date from November, 1800, and at the time of my examination were

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INDIAN OFFICE RECORDS—Continued.

to be found in files, bundles, letter books, report books, and index volumes. A description of the files and of their contents is given with reasonable exactness on pages 205–209 of the second edition of Van Tyne and Leland's "Guide to the Archives," issued by the Carnegie Institution.

The bundles are composed of certain records, classified according to subject-matter, such as "Indian Talks, the Mitchell Papers, the Curry Papers, the Indian Springs Treaty Papers, the Cherokee Bounty Land Papers, Reservation Papers of the Various Tribes, Spoliation Claims Papers, Cherokee Neutral Land Papers, and the Emigration Papers of the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles, respectively. I have not been able to find any special papers relating to the removal of any of the northern tribes.

The letter books, with one exception, contain copies of outgoing correspondence and may be classified as follows:

A. "Letters Sent."

1. Those dealing with miscellaneous affairs:

(*a*) "First series," six volumes, designated by letters, November, 1800, to April, 1824: Vol. A, November 17, 1800–April 20, 1804; Vol. B, April 23, 1804–July 5, 1809; Vol. C, July 8, 1809–December 31, 1816; Vol. D, January 8, 1817–July 31, 1820; Vol. E, August 20, 1820–October 27, 1823; Vol. F, October, 1823–April 26, 1824.

(*b*) "Second series," two hundred volumes, designated by numbers, March 18, 1824, to January 8, 1886.

(*c*) "Third series," ("Chickasaw Letter Books"), three volumes, designated by letters, January, 1832, to April, 1861: Vol. A, January, 1832–September, 1838; Vol. B, September, 1838–June, 1848; Vol. C, June, 1848–April, 1861.

2. Those dealing with Indian trade relations only:

(*d*) "Fourth series," four volumes, designated by letters, October 31, 1807, to April 11, 1818.

(*e*) "Fifth series," incomplete, only one volume, "D," extant, and that covers the period from July, 1820, to April, 1822.

B. "Letters Sent and Received."

(*f*) "Sixth series," one volume, 1835–1836. Relates chiefly to Cherokee removals.

The index volumes are valuable only as furnishing suggestions of papers to be examined and may be classified thus:

A. "Letters Received."

(*a*) "First series," thirty-three volumes, designated by numbers, January 1, 1824, to June 30, 1847.

(*b*) "Second series," three volumes, designated by letters, February, 1830, to November, 1836. Deals exclusively with emigration.

B. "Weekly Report of Letters Received."

(*c*) "Third series," one volume, January, 1832, to June, 1833.

C. "Letters Registered."

(*d*) "Fourth series." This system of recording the incoming letters was adopted about the time the Interior Department was created and continues to the present day.

From the foregoing analysis it is evident that, for the period covered by this thesis, there was no regular system of preserving the Indian records, which, at best, do not antedate the destructive fire which broke out in the War Office, November 8, 1800. Furthermore, the records have themselves been subjected to various removals, incident upon new building

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INDIAN OFFICE RECORDS—Continued.

accommodations and upon the transfer of the Indian Bureau from the War to the Interior Department. It is matter of tradition that, when the last-named change was effected, the Secretary of War was so annoyed at the consequent loss of jurisdiction, that he took no pains to see that the papers were not tampered with in transit. Autograph fiends must have been in evidence, for the page bearing the signature of a prominent individual is sometimes mutilated or missing. The parts of a letter are often separated from each other and inclosures abstracted or misplaced. All this points to very rough handling which we may well suppose took place, inasmuch as the papers, after being carelessly sorted, were thrown into an ordinary transfer wagon. Removal has, moreover, not been their only misfortune. Such of them, as there was no immediate need of, were stored temporarily in the basement; and, on one occasion, it was discovered that a night watchman had disposed of some of them for waste paper. Fortunately the office managed to recover most if not all of them. A few years after the Civil War an alarm of fire in an opposite building caused the Indian Office to remove its records to an outside inclosure for safety. Some of them may have been lost. At all events, the occurrence aggravated the existing disorder. Pressure of current business and lack of facilities have prevented the arrangement of these manuscript materials in proper order for convenient examination. Nevertheless, so valuable are they that the research worker is well repaid for his trouble.

INDIANS, "Removal of." Article in "North American Review," January, 1830, XXX: 62–121.

Was pronounced by contemporaries to have had great influence in bringing about the passage of the removal act of 1830.

INDIAN RIGHTS ASSOCIATION, "Annual Reports of the Executive Committee of," 1883 to date, Philadelphia.

INDIAN SPRINGS TREATY PAPERS, MSS. among the Indian Office Records, bearing upon the negotiation and repudiation of the Creek treaty of 1825, and including the incoming correspondence of Campbell, Crowell, Andrews, Gaines, Troup, and others.

INDIANS. "A Statement of the Indian Relations with a Reply to the Article in the Sixty-sixth Number of the North American Review on the Removal of the Indians," published by Clayton & Van Norden, New York, 1830.

"INDIAN TREATIES AND LAWS AND REGULATIONS RELATING TO INDIAN AFFAIRS," compiled and published under orders of the Department of War, February 9 and October 6, 1825, Washington, D. C., 1826.

"INDIAN TREATIES BETWEEN THE UNITED STATES AND THE INDIAN TRIBES," 1778–1837. Compiled and annotated under the supervision of the Commissioner of Indian Affairs. Washington, D. C., 1837. (Printers, Langtree & O'Sullivan.)

More comprehensive than any other edition covering the same period. Includes not only extensive treaties, but also minor contracts of which there is often no trace in the seventh volume of the United States Statutes at Large. The compiler's notes are accurate and labor-saving.

"INDIAN TREATIES BETWEEN THE UNITED STATES AND THE INDIAN TRIBES," 1778–1842, being the seventh volume of the United States Statutes at Large. Later treaties are included in the particular volume for the year in which they were individually ratified.

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INGERSOLL, L. D. "A History of the War Department of the United States," one volume, Washington, D. C., 1879.

Its treatment of the Indian Bureau and its policy is superficial in the extreme.

JACKSON, ALFRED AUGUSTUS. "Abraham Lincoln in the Black Hawk War," in "Wisconsin Historical Collections," XIV: 118–136.

Superior to Nicolay and Hay's account, which R. G. Thwaites has declared to be based upon erroneous data.

JACKSON, ANDREW, "Papers of."

The collection of Jackson manuscripts belonging to the Congressional Library is minutely described by C. H. Lincoln in "The Literary Collector" for May, 1904. It is there estimated to consist of about 7,000 distinct papers—"letters, reports, and military returns—together with thirteen volumes of letter books and military records." More specifically one might say, that the collection comprises Jackson's own letter books, rough drafts of letters written by him, letters addressed to him, copies of letters passing between second and third parties, and, finally, attested copies of Indian treaty journals. Some of the last named are of incalculable value, because their originals have apparently disappeared from the Indian Office. Additional Jackson Papers are in the custody of the Tennessee Historical Society.

The examination of the Jackson collection in Washington is a most laborious process, for faded ink, poor writing, and still poorer spelling, increase the natural shortcomings of a very much mixed and discursive correspondence. Jackson was interested in many things, and he wrote energetically upon all. Fortunately for future investigators, the process of arranging, cataloguing, and calendaring is well under way. That done, surely we may hope that in a few years a well-edited publication of his more important works will appear, to say nothing of a really praiseworthy biography. At present the historical student is lamentably destitute of both.

JACKSON, HELEN HUNT. "A Century of Dishonor," one volume, New York, 1881.

Severe in its criticism of the United States Indian policy. None the less, its statements are in the main based upon facts. It is much to be regretted that the tone of the book is a trifle sentimental.

JEFFERSON, THOMAS, "Calendar of the Correspondence of," in Bulletins of the Bureau of Rolls and Library of the Department of State, Nos. 6, 8, and 10, Washington, 1894, 1895, 1903.

JEFFERSON, THOMAS, "Memoir, Correspondence, and Miscellanies from the Papers of," edited by Thos. Jefferson Randolph, four volumes, second edition, Charlottesville, 1830.

JEFFERSON, THOMAS, "The Writings of," edited by H. A. Washington, nine volumes, Washington, 1853–54.

JEFFERSON, THOMAS, "The Writings of" 1760–1826, edited by Paul Leicester Ford, ten volumes, New York, 1892.

JEFFERSON, THOMAS, "The Writings of" (library edition), A. A. Lipscomb, editor in chief; A. E. Bergh, managing editor. In process of publication, eighteen volumes to date, 1904, Washington, D. C.

More complete but less handy than Ford's edition, which, in its turn, is beyond all comparison with Randolph's and Washington's.

KENNEDY, JOHN PENDLETON. "Memoirs of the Life of Wm. Wirt," two volumes, Philadelphia, 1849, a new and revised edition, Philadelphia, 1850.

Volume II, Chapters XV, XVII, XIX, useful for a study of the Cherokee case.

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KING, RUFUS, "The Life and Correspondence of," 1755–1827, edited by Charles R. King, six volumes, New York, 1900.

Volume VI, page 114 contains a letter to Edward King, February 12, 1818, relative to the treaty of Edwardsville and to Cherokee affairs.

LEA, JOHN M. "Indian Treaties of Tennessee," in "American Historical Magazine," VI: 367–380.

Advances the idea that Jackson, though determined to force the Indians westward, had no intention of acting at the behest of Georgia.

LEWIS AND CLARK EXPEDITION, "History of," edited by Elliott Coues from the original manuscript journals and field books of the explorers, four volumes, New York, 1893.

The Clark-Voorhis papers, described by R. G. Thwaites in Scribner's Magazine, XXXV: 685–700, being newly discovered personal records of Lewis and Clark, may possibly throw light upon the secondary objects of the expedition; for, although the explorers were to open up communication with western tribes, there is no indication in Coues's reprint of their papers that they were to prepare for the migration of the eastern.

LITTLE, HENRY. "A History of the Black Hawk War," third revised edition in "Pioneer Society of Michigan Collections," V: 152–178.

A good summary of the chief events, but the accuracy of the details may well be questioned. Little was 78 years old when he brought out this edition, and, while posing as the historian of the Indian's side, indulges in weak sentiment. His knowledge of the subject is not exhaustive.

LUMPKIN, WILSON, "Papers of."

Many of the Lumpkin letters are to be found in the bundle of Curry MSS. among the Indian Office Records, also in the Miscellaneous and Cherokee Files of the same office, and in Jameson's edition of the Calhoun correspondence. For information respecting the Lumpkin MS. autobiography, consult Phillips's "Georgia and State Rights," page 214; it has (1908) just been printed, we are informed.

MCBRIDE, DAVID. "The Capture of Black Hawk," in "Wisconsin Historical Collections," V: 294–297.

A brief sketch of the betrayal of Black Hawk by Winnebagoes.

MCCALEB, W. F. "The Aaron Burr Conspiracy," one volume, New York, 1903.

The latest work on the subject. Written from the standpoint of the Southwest. Based upon Jackson Papers, Mexican Archives, and contemporary newspapers. The strong feature of the book is the showing that Louisiana was not disgruntled at the time the conspiracy is said to have been plotted. Possibly the abandonment of the removal project may have contributed to her satisfaction.

MCCALL, GEO. A. (Major). "Letters from the Frontiers," one volume, Philadelphia, 1868.

Not of much value except as throwing light upon the Indian character, and in that respect it is most useful for the Seminoles.

MCCALL, JAMES. "Journal of a Visit to Wisconsin in 1830," published with a sketch of his life by his nephew, Ansel J. McCall, and a copy of the instructions from the Secretary of War of June 9, 1830, in "Wisconsin Historical Collections," XII: 170–205.

MCCALL, JAMES. "Documents Illustrating the Journal of," obtained from the records of the Interior Department, and published in "Wisconsin Historical Collections," XII: 206–215.

Among these documents are the report of the commissioners, pages 207–214, and the affidavit of one of them, John T. Mason, September 20, 1830, to the effect that he does not concur in that part of the report bearing

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McCALL, JAMES—Continued.
upon the validity of the New York-Menominee agreements of 1821 and 1822, because he regards it as gratuitous, the commission not having been authorized to investigate the claim of the New York Indians, but only to adjust their differences with the Menominees.

McCOY, ISAAC, (Rev.). "Papers of," MSS. in the possession of the Kansas Historical Society presented by John C. McCoy. Consist of missionary and family correspondence, from 1808 to 1847, besides journals, incomplete, from 1817 to 1841.

A very valuable source for research work on the actual removal of the Indians, especially of the northern tribes after 1830. McCoy surveyed, or superintended the survey, of several of the early reservations in Kansas and located most of the tribes that went there. The Government placed great reliance upon him, and his truly kindly disposition toward the emigrants softened the rigor of the Jacksonian measures.

McCOY, ISAAC (Rev.). "The Annual Register of Indian Affairs within the Indian Territory." A rare periodical.

Contains interesting particulars respecting the Indian emigrant's advent into the new country, his surroundings, and his prospects.

McCOY, ISAAC (Rev.). "History of Baptist Indian Missions," one volume, New York, 1840.

A record of the personal experiences of the missionary, his family, and his friends from 1818 on. Is more instructive as regards the Ottawas and the Pottawatomies than almost any other tribes.

McCOY, ISAAC (Rev.). "Remarks on the Practicability of Indian Reform, Embracing Their Colonization" (pamphlet), Boston, 1827. Reissued in a second edition with an appendix, New York, 1829.

McCOY, ISAAC (Rev.). "The Condition of the American Indians," an address issued from the surveyor's camp, Neosho River, Indian Territory, to philanthropists in the United States generally and to Christians in particular on the condition and prospects of the American Indians, December 1, 1831.

McKENNEY, THOMAS LORRAINE (Colonel). "Memoirs Official and Personal with Sketches of Travel among the Northern and Southern Indians, Embracing a War Excursion and Description of Scenes along the Western Borders," two volumes, New York, 1846.

Singularly destitute of anything very valuable. Like all McKenney's writings, it is, in the broadest sense, disappointing. A man connected with the Indian Office for so many years ought to have been able to furnish extraordinarily good material, and we are at a loss to know why McKenney did not. He became Superintendent of Indian Trade in 1816, and his memoirs contain a few reflections upon the manner of conducting that trade, but are otherwise quite uninteresting.

McKENNEY, THOMAS L. "Sketches of a Tour to the Lakes, of the Character and Customs of the Chippeway Indians, and the Incidents Connected with the Treaty of Fond du Lac; also a Vocabulary of the Algic, or Chippeway, Language, Formed in Part and as Far as it Goes upon the One Furnished by the Hon. Albert Gallatin," Baltimore, 1827.

McKenney was joint commissioner with Cass in negotiating the Treaty of Fond du Lac, but he is rather reticent on the subject.

McKENNEY, THOMAS L., and HALL, JAMES. "History of the Indian Tribes of North America with Biographical Sketches and Anecdotes of the Principal Chiefs, Embellished with 120 Portraits from the Indian Gallery in the Department of War at Washington," three volumes.

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McKENNEY, THOMAS L., and HALL, JAMES—Continued.

Vol. I. "Biographical Sketches of Chiefs," published by E. C. Biddle, Philadelphia, 1837.

Vol. II. "Biographical Sketches of Chiefs," published by Frederick W. Greenough, Philadelphia, 1838.

Vol. III. "History of the Indian Tribes of North America," published by D. Rice & J. G. Clark, Philadelphia, 1844.

Some serious, sober facts, but much that is traditional, sentimental, and worthless.

McKENNEY, THOMAS L. "The Winnebago War of 1827," in Wisconsin Historical Collections," V: 178–204. Taken from the "History of Indian Tribes of North America."

McLAUGHLIN, ANDREW C, "The Influence of Governor Cass on the Development of the Northwest," in "Papers of the American Historical Association," III: 67–83.

McLAUGHLIN, ANDREW C. "The Western Posts and British Debts," in "Annual Report of the American Historical Association," 1894, pages 413–444.

Offers evidence from the Canadian archives of a more or less complete exoneration of the British in their attitude toward the northwestern Indians just prior to the war of 1812.

McMASTER, JOHN B. "A History of the People of the United States," 1783–1861, five volumes, New York, 1884–1900.

McMINN, JOSEPH, "Papers of." The archives of the Tennessee Historical Society contain forty-eight letters and papers signed by Governor McMinn. ("American Historical Magazine," V: 48.) They are published in "The American Historical Magazine," IV: 319–335; V: 48–66; VIII: 377–394.

Those in Vol. IV are of some value for Indian affairs 1818–1819 and those in Vol. VIII for Indian treaties 1815, 1816, and 1817. Other McMinn letters are to be found in the files of the Indian Office and are very important.

MADISON, JAMES, "Calendar of the Correspondence of," Bulletin No. 4 of the Bureau of Rolls and Library of the Department of State, Washington, 1894.

MADISON, JAMES, "Letters and Other Writings of," (Congressional edition), four volumes, Philadelphia, 1865.

Gaillard Hunt's edition of Madison's writings will probably throw additional light upon the Indian policy of the Government; but as yet it has come down only to 1790 [1807]. The life of Madison as written by both Rives and Hunt is quite barren of any information on the subject.

MAHAN, A. T. (Captain). "Sea Power in Its Relations to the War of 1812," two volumes, Little, Brown & Co., Boston, 1905.

MAHAN, A. T. (Captain). "The Negotiations at Ghent in 1814," in "American Historical Review," October, 1905, XI: 68–87.

MANYPENNY, GEORGE W. "Our Indian Wards," one volume, Cincinnati, 1880.

Manypenny was a United States commissioner, 1853–1857, and chairman of the Sioux Commission of 1876, so that what he had to say was well worth while, but his tone is often petty and his statements show a defective memory or neglect to consult records easily accessible.

MARSH, CUTTING (Rev.), "Papers of."

The papers of the Rev. Cutting Marsh, missionary of the "American Board for Foreign Missions" and also of the "Society in Scotland for Propagating Christian Knowledge" to the Stockbridge Indians, 1830–1848, were deposited with the Wisconsin Historical Society. They include "fifty-five letters from and to Marsh bearing dates from 1830 to August 6, 1856,"

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MARSH, CUTTING—Continued.

and of a journal, comprehended in "thirty-nine manuscript books, covering the period from May 2, 1830, to the close of the year 1855." (Wisconsin Historical Collections, XV: 39, note.) Some of these papers, namely, selections from or abridged reprints of Marsh's annual reports to the Scottish Society, May 2, 1830, to June 1, 1848, have been edited with notes by William Ward Wight and R. G. Thwaites for the Wisconsin Historical Society (Collections, XV: 48: 204). As it happens, the notes are really more interesting than the documents themselves; for they furnish numerous treaty and literature references, also a great deal of biographical data, while the Marsh reports, though comparable "in matter, form, and spirit to the 'Jesuit Relations,'" are chiefly concerned with educational and religious affairs.

MENARD, PIERRE, "Papers of," in "Chicago Historical Society Collections," IV: 162–180, from the originals in the possession of the society.

Such Menard papers as are here given are of little value, being Government commissions and the like. Secretary Armstrong appointed Menard sub-agent of Indian affairs in 1813, and ever after the man was intimately associated with the tribes of the Northwest.

MINER, JESSE, "Papers of," "Wisconsin Historical Collections," XV: 41–48.

Miner was the predecessor of Marsh at the Stockbridge mission in Wisconsin, and some of his papers, here edited by Wight and Thwaites and printed in full, passed with the Marsh papers into the custody of the Wisconsin Historical Society. They are of general interest only.

"THE MISSIONARY HERALD," containing proceedings at large of the American Board of Commissioners for Foreign Missions, Boston.

A mine of contemporary history, often overlooked but exceedingly valuable. The unavoidable complication of missionary affairs with the efforts to expel the Indians from Georgia render the numbers of the "Missionary Herald" from about 1826 to the end of the controversy a very fruitful source of information. They contain letters, official documents, statistics on Indian civilization, and missionary reports from all over the country.

MITCHELL, DAVID B., "Papers of." MSS. among the Indian Office Records, dealing with the causes of his dismissal from the position of government agent to the Creek Indians.

MONETTE, JOHN W. "History of the Discovery and Settlement of the Mississippi Valley," two volumes, New York, 1846.

The footnotes are usually very suggestive, and much of the text is still acceptable data.

MONROE, JAMES, "Calendar of the Correspondence of," in Bulletin No. 2 of the Bureau of Rolls and Library of the Department of State, Washington, 1893.

MONROE, JAMES, "Papers of." MSS. in the Library of Congress, "purchased under act of Congress of March 3, 1849, repaired, mounted, and bound under acts of March 2, 1889, and August 30, 1890.

Consulted more for the purpose of substantiating material found elsewhere than with the expectation of discovering anything additional to that accessible in print.

MONROE, JAMES, "Writings of," 1778–1831, edited by S. M. Hamilton, seven volumes, New York, 1903.

MOONEY, JAMES. "The Ghost Dance Religion," in Fourteenth Annual Report of the Bureau of American Ethnology.

Instructive for Tecumseh and Indian participation in the war of 1812.

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MOOREHEAD, WARREN KING. "The Indian Tribes of Ohio—Historically Considered," in "Ohio Archæological Historical Society Quarterly," VII, part 1, pages 1–109.

Intended by the author to be preliminary to an extensive work on the Ohio Indians. As it stands, it is a mere sketch devoted mainly to events centering around Tecumseh. Moorehead has used Mooney, Drake, Atwater, Catlin, Schoolcraft, and Hatch extensively and has also gathered statistics for himself. He is very impartial.

MORSE, JEDIDIAH (Rev.), "Report of, to the Secretary of War of the United States on Indian Affairs, comprising a narrative of a tour performed in the summer of 1820 under a commission from the President of the United States for the purpose of ascertaining, for the use of the Government, the actual state of the Indian tribes in our country," one volume, New Haven, Conn., 1822.

Field in his "Essay toward an Indian Bibliography," pronounces this "the most complete and exhaustive report of the condition, numbers, names, territory, and general affairs of the Indians ever made," and surely he cannot be gainsaid. The volume in which the report is embodied consists altogether of four hundred pages, but only about one-fourth of them are taken up with the official communications to the Secretary of War. The remainder constitute an "Appendix" of statistics and documentary material or, as Morse himself says, "the body of his information." He visited many of the tribes reported upon personally, but not all. Instead of that he opened up a correspondence with individuals, often missionaries, in various localities, and from them gained what he could. In minor particulars these accounts did not always tally with each other, and Morse noticed discrepancies, but could not very well avoid them. His own idea in making the tour of 1820 was to look over the ground for the organization of "Mission Families." By that he meant colonization on a small scale for a specific purpose, or removal in a modified sense. Sincere in his endeavor, he spared no pains in unearthing information of all sorts, and the result was an honest, plain-spoken narrative that the student of Indian history dare not ignore.

NEILL, EDWARD D. "History of the Ojibways and Their Connection with the Fur Traders," in "Minnesota Historical Society Collections," V: 395–510.

Based upon official and other records.

NEW YORK STATE ASSEMBLY. "Report of Special Committee of," appointed in 1888, "to investigate the Indian problem of the State of New York," one volume, Albany, 1889.

F. J. Shepard very adequately and concisely sums up the content of this report in Larned's "Literature of American History:" "The report transmitted to the legislature, February 1, 1889, devotes 40 pages to a history of this people in New York, with special reference to the complicated Ogden land claim. The remaining 39 pages of the report proper describe the conditions prevailing on the several reservations, and are followed by appendices containing the full text of various National and State treaties with the New York Indians, land grants, legal decisions, and miscellaneous matter connected with the subject."

"NILES' WEEKLY REGISTER" of documents, essays, and facts, edited by H. Niles, 1811–1836, fifty volumes. Baltimore. Continued as "Niles' National Register" from September, 1836, to March, 1849, 25 volumes, Baltimore.

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OSGOOD, HERBERT L. "The American Colonies in the Seventeenth Century," three volumes, New York, 1904–1907.

The last chapter in the first volume treats in a masterly way of Indian relations during the colonial period and of the beginnings of the reservation system.

OTIS, ELWELL S. "The Indian Question," one volume, New York, 1878.

A good general account of the United States Indian policy, but occasionally too sweeping in its conclusions.

PARKER, THOMAS VALENTINE. "The Cherokee Indians," one volume, The Grafton Press, New York, 1907.

PARKINGSON, PETER. "Notes on the Black Hawk War," in "Wisconsin Historical Collections," X: 184–212.

PARTON, JAMES. "Life of Andrew Jackson," three volumes, New York, 1860.

Parton more than any other of Jackson's biographers develops to a certain extent the Indian policy of his subject and submits or quotes from the documents.

PECK, CHARLES H. "The Jacksonian Epoch," one volume, New York, 1899.

PERKINS, JAMES H. "Annals of the West from the Discovery of the Mississippi Valley to 1845," published by J. R. Albach, 1846. A later edition brings the record down to 1856, published by J. R. Albach, 1857.

PERKINS, SAMUEL. "Historical Sketches of the United States, 1815–1820," one volume, New York, 1830.

Presents Creek affairs from a contemporary point of view, and is reliable.

PETERS, RICHARD. "Report of Cases Argued and Adjudged in the Supreme Court of the United States," 1828–1842, sixteen volumes, Philadelphia.

PHILLIPS, ULRICH BONNELL. "Georgia and State Rights," a monograph published in the Annual Report of the American Historical Association, 1901.

Contains an authoritative treatment of the relations of Georgia with the Creeks and Cherokees based upon a thorough research into the Georgia archives.

PICKETT, ALBERT JAMES. "History of Alabama and Incidentally of Georgia and Mississippi from the Earliest Period," two volumes, new edition, enlarged, Birmingham, Ala., 1900.

The work of Pickett ended with 1819, but Thomas M. Owen carried it on to the present century. The earlier narrative has not been superseded, and is invaluable as a secondary source, because its details were derived, "in part" from "original printed authorities," and "in part" from "interviews with Indian chiefs and white pioneers."

PIERCE, M. B. "Address (delivered at Buffalo) on the Present Condition and Prospects of the Aboriginal Inhabitants of North America with Particular Reference to the Seneca Indians," Philadelphia, 1839.

PIKE, ZEBULON MONTGOMERY. "The Expeditions of, to the Headwaters of the Mississippi River, through Louisiana Territory, and in New Spain during the years 1805, 1806, and 1807," new edition, now first reprinted in full from the original of 1810, edited by Elliott Coues, three volumes, New York, 1895. The Pike Papers recently discovered in the Mexican archives have some bearing upon Indian history.

POLK, JAMES K. "Papers."

MSS. in the Congressional Library, not yet arranged chronologically, and therefore for the most part a disorganized mass. They yield, on examination, very little that bears directly upon Indian affairs.

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PORTER, JAMES D. "The Chickasaw Treaty of 1818," in "The American Historical Magazine," IX: 252–256.

Instructive for the circumstance of the leasing of the Chickasaw Salt Lick.

POTTER, WOODBURNE. "The War in Florida, being an Exposition of its Causes and an Accurate History of the Campaigns of Generals Clinch, Gaines, and Scott," one volume, Baltimore, 1836.

Contains the details of Florida Indian treaty negotiations, Gadsden letters, and one valuable letter from Eaton to Cass, March 8, 1835. Potter is inclined to take the Indian side unreservedly.

QUINCY, JOSIAH. "Memoir of the Life of John Quincy Adams," one volume, Boston, 1858.

Helpful for information respecting the political enemies of J. Q. Adams and their plans.

RAMAGE, B. J. "Georgia and the Cherokees," in "American Historical Magazine," VII: 199–208.

A mere sketch.

RANDALL, HENRY S. "Life of Thomas Jefferson," three volumes, New York, 1858.

REYNOLDS, JOHN (Governor). "The Pioneer History of Illinois," second edition, one volume, Chicago, 1887.

Concludes its account with 1818.

REYNOLDS, JOHN (Governor). "My Own Times," 1800–1855, one volume, published by the Chicago Historical Society, 1879.

Presents a contemporary view of the Black Hawk war in which the author participated.

RICHARDSON, JAMES D. "Compilation of the Messages and Papers of the Presidents," 1789–1897, ten volumes, published by authority of Congress, 1896–1899.

RIVES, WILLIAM C. "History of the Life and Times of James Madison," three volumes, Boston, 1859–1868.

ROOSEVELT, THEODORE. "Thomas H. Benton" (American Statesmen Series), one volume, Boston and New York.

Admirably delineates the character of Benton as a projector of western enterprise.

ROOSEVELT, THEODORE. "The Winning of the West," New York, 1889.

ROSS, JOHN, "Letter from, to a Gentleman in Philadelphia, May 6, 1837" (pamphlet), Philadelphia, 1838.

A clear exposition of Cherokee grievances against the State and National governments. An earlier letter to some one else but on the same subject and accompanied by a protest of the Cherokee delegates in Washington was published in pamphlet form in 1836.

ROYCE, CHARLES C. "The Cherokee Nation of Indians," in Fifth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1883–1884, pages 129–378, Washington, 1887.

Royce seems to have used for this very excellent account of Cherokee history material not generally accessible and the source of which he has failed to indicate. He also had free range of the Indian Office.

ROYCE, CHARLES C. (compiler). "Indian Land Cessions in the United States," in Eighteenth Annual Report of Bureau of American Ethnology, 1896–97, Washington, 1899.

A storehouse of valuable statistics. Nowhere can a better understanding of the Indian's retreat and the white man's advance be obtained. The maps are an important feature. The introduction by Cyrus Thomas

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ROYCE, CHARLES C.—Continued.
is an historical survey, unintentionally comparative, but not exhaustive, of the different ways the Indian was regarded and treated by the individual English colonies, or the States growing out of them, and the individual European nations.

SAMPSON, W. H. "The Claim of the Ogden Land Company," being a letter dated May 12, 1902, and addressed to Howard L. Osgood, corresponding secretary of the Rochester Historical Society, reviewing the case of the New York Indians in controversy with the proprietors of the Massachusetts preemptive right.

SARGENT, EPES. "The Life and Public Services of Henry Clay," new edition, one volume, New York, 1848.
Introduced here because of its special reference to Clay's attitude toward the Cherokees, the victims of Jackson's Indian policy.

SCHOOLCRAFT, HENRY., "Papers of."
Two distinct collections, one in the Library of Congress and another in the Smithsonian Institution. The former is in a particularly bad shape, and its contents are of varying value. The Indian matter that they contain proved to be not so great as was expected. It is chiefly to be found in the correspondence with Governor Cass, and deals more with the natural resources of the Indian country than with social and political affairs. The Schoolcraft journals, so called, were a grievous disappointment. A good share of their bulk is taken up with newspaper clippings, suggestive, but often useless as speedy references, because date and source are unnoted. As a general thing the Smithsonian collection relates to a period subsequent to that covered by this thesis on Indian removal.

SCHOOLCRAFT, HENRY R. "Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States," six volumes, Philadelphia, 1851–1857.
A queer assortment of valuable and worthless matter. Schoolcraft spent most of his life among the Indians, but his interest centered more in the natural resources of the country than in its native inhabitants, and more in their sociological than in their political conditions.

SCHOULER, JAMES. "History of the United States of America," five volumes, New York.

SCOTT, NANCY N. (editor). "A Memoir of Hugh Lawson White," one volume, Philadelphia, 1856.
Includes selections from his speeches and correspondence, and among these are some bearing upon his criticism of Benjamin Curry and the Cherokee removal.

SCOTT, WINFIELD (Lieutenant-General), "Memoirs of," two volumes, New York, 1864.
Adversely as the reviewers have rated this personal account, it is none the less interesting for events in which Scott was a prime mover, viz, the Black Hawk war and the Cherokee removal.

SENECA. "The Case of the Seneca Indians," printed for the Society of Friends, Philadelphia, 1840.

SENECA. "Report on the Memorials of the Seneca Indians and Others, Accepted in the Council of Massachusetts," Boston, 1840.

SHEA, J. G. "Indian Tribes of Wisconsin," in "Wisconsin Historical Collections," III: 125–138.
A sort of summary of ethnological and etymological facts based largely upon the "Jesuit Relations" and other narratives of early French writers.

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SMET (Father), JEAN DE, "Life, Letters, and Travels of," 1801–1873. Edited from the original unpublished MS. journals and letter books, and from his printed works, with historical, geographical, ethnological, and other notes; also a life of Father De Smet, by Hiram Martin Chittenden and Alfred Talbot Richardson. Four volumes, New York, 1905.

De Smet's labors were chiefly among the Indians of the far Northwest, from St. Louis to the Straits of Juan de Fuca. In 1838 he was sent with Father Verreydt and two lay brothers to found a Catholic mission among the Pottowatomies at Council Bluffs, Iowa, and other remnants of eastern tribes transferred to new lands west of the Mississippi. From that time dates his famous series of letters.

SMITH, GEORGE GILLMAN. "The Story of Georgia and the Georgia People," 1732–1860, one volume, Atlanta, 1900.

Suggestive for economic conditions.

SMITH, HENRY. "Indian Campaign of 1832," in "Wisconsin Historical Collections," Vol. X: pp. 150–166.

L. C. Draper, on page 150, gives an account of this production as follows: It "was written in 1833 at the request of the conductors of the *Military and Naval Magazine*, published at Washington, and appeared in August of that year as written 'by an officer of General Atkinson's brigade.' It was thus prepared while the recollections of that frontier service were yet fresh in his memory. He left a copy in manuscript, which was furnished by his daughter, Mrs. A. W. Snyder, of Rockford, Ill., to the *Journal*, of that city, in which it appeared August 12, 1882, and copied into the Milwaukee *Republican-Sentinel* of the following 17th and 24th of September. These two copies have been carefully collated, and errors corrected."

SOCIETY OF FRIENDS, "Proceedings of an Indian Council, Held at Buffalo Creek Reservation April, 1842, and Printed for the" (pamphlet), Baltimore, 1842.

In reality a formal protest against the recent ratification of the Buffalo Creek treaty, the Society of Friends being extremely indignant at that occurrence, inasmuch as they had made "a full exposure of the objectionable means used to procure it."

SOCIETY OF FRIENDS, "Proceedings of an Indian Council, Held at Cattaraugus, June, 1843, and Printed for the" (pamphlet), Baltimore, 1843.

SOCIETY OF FRIENDS. "Proceedings of the Joint Committee Appointed by the Society of Friends for Promoting the Civilization and Improving the Condition of the Seneca Nation of Indians," Baltimore, 1847.

SPRAGUE, JOHN T. (Colonel). "The Origin, Progress, and Conclusion of the Florida War," one volume, New York, 1848.

Relation of incidents very similar to Fairbanks's.

STAMBAUGH, SAMUEL. "Report on the Quality and Condition of Wisconsin Territory," 1831, in "Wisconsin Historical Collections," XV; 399–438.

"Copied from the original MS. on file in the War Department at Washington."

STONE, WILLIAM L. "Life and Times of Red Jacket, or Sagoyewatha," one volume, New York, 1841; new edition, Albany, 1866.

The standard authority on the history of the great Seneca opponent of Tecumseh.

STRONG, MOSES M. "The Indian Wars of Wisconsin," in "Wisconsin Historical Collection," VIII: 241–286.

Covers in detail the Winnebago war of 1827 and the Black Hawk war of 1832. Places much reliance upon Black Hawk's autobiography.

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STRONG, NATHANIEL T. (Seneca chief). "Appeal to the Christian Community on the Condition and Prospects of the New York Indians," one volume, New York, 1841.

An amplification of and, in a sense, an answer to some of the facts presented in "The Case of the Seneca Indians."

STRONG, NATHANIEL T. "A Further Illustration of the Case of the Seneca Indians," one volume, Philadelphia, 1841.

SUMNER, WILLIAM G. "Andrew Jackson" (American Statesmen Series), one volume, New York, 1883.

SWAIN, JAMES B. "The Life and speeches of Henry Clay," two volumes, New York, 1843.

TAYLOR, E. L. "The Ohio Indians," in "Ohio Archaeological and Historical Society Quarterly," vol. VI, part 1, pages 72-94.

Not of much account except in the particulars furnished on the relative territorial position of the tribes in Ohio.

TEXTOR, LUCY ELIZABETH. "Official Relations between the United States and the Sioux Indians." (Leland Stanford Junior University Publication), Palo Alto, 1896.

A masterly treatment of the Sioux troubles, prefaced by a full résumé of the United States Indian policy.

THATCHER, B. B. "Indian Biography," two volumes, New York, 1832.

THWAITES, REUBEN GOLD. "The Story of the Black Hawk War," in "Wisconsin Historical Collections," XII: 217-265.

By all odds the best secondary authority on the Indian hostilities of 1832, the correct and important facts of all earlier accounts being here brought together in one continuous narrative.

THWAITES, REUBEN GOLD. "Notes on Early Lead Mining in the Fever (or Galena) River Region," in "Wisconsin Historical Collections," XIII: 271-292.

An abstract of these notes appeared in the "Report of the American Historical Association," for 1893.

TOCQUEVILLE, ALEXIS DE. "Democracy in America," translated by Reeve, two volumes, Boston, 1873.

Contains some slight but interesting reflections upon the Indian policy of the United States. De Tocqueville felt that the removal project was too thoroughly executed.

TURNER, FREDERICK JACKSON. "The Significance of the Frontier in American History," in "Report of American Historical Association" for 1893, pages 199.

Footnote references especially helpful.

TURNER, ORSAMUS. "Pioneer History of the Holland Purchase of Western New York," one volume, Buffalo, 1850.

TURNER, ORSAMUS. "History of the Pioneer Settlement of Phelps and Gorham's Purchase and Morris' Reserve," one volume, Rochester, 1851.

This and the preceeding work, though concerned primarily with the settlements of western New York, deal with different phases of New York Indian history as modified by the Massachusetts preemptive right in that region. Both are overflowing with information, much of it extraneous or of local and temporary interest only.

TYSON, JOB R. "Discourse on the Surviving Remnant of the Indian Race in the United States," delivered October 24, 1836, before the Society for Commemorating the Landing of William Penn. Philadelphia, 1836.

Note the unfavorable comments upon the effect of the removal act of 1830.

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UNITED STATES, "Public Documents of."

(1) "State Papers, Reports of House Committees," first session, Seventeenth Congress, Report of Select Committee, January 7, 1822, on the execution of the compact of 1802.

(2) "State Papers, Reports of Committees," second session Seventeenth Congress, Vol. I.

(3) "State Papers, United States Executive Documents," No. 57, second session Seventeenth Congress, Vol. IV: Resolutions of the Georgia legislature, December 5, 1822, and accompanying documents; also a memorial from the general assembly of Missouri.

(4) "State Papers, House Executive Documents," No. 59, second session Nineteenth Congress, Vol. IV: Message of Governor Troup, November 7, 1826; report and resolutions of Georgia legislature, December 1826, together with various documents, treaties, etc., relative to the execution of the compact of 1802.

(5) "House Journal," first session Twentieth Congress. (1827–8.)

(6) "State Papers," first session Twentieth Congress, Vol. VI, No. 233: Information as to Indians that have emigrated west, called for by House resolution March 22, 1828. No. 238: Correspondence respecting Creek treaty of November 15, 1827, called for by House resolution March 22, 1828. No. 248: Correspondence relative to charges against Crowell since January 1, 1826, called for by House resolution April 9, 1828. No. 263: Correspondence relative to Lovely's purchase, Arkansas, called for by House resolution April 10, 1828.

(7) "State Papers," House Executive Documents No. 91, second session Twenty-third Congress, Vol. III: Memorial drawn up by Cherokees in council at Running Waters, November 28, 1834.

Senate Document No. 512, parts 1 to 5, Twenty-third Congress, first session, December 2, 1833–July 30, 1834. Contains a large collection of correspondence concerning the emigration of the Indians.

UNITED STATES STATUTES AT LARGE, 1789–1893, twenty-seven volumes, Boston and Washington, 1850–1893.

UNITED STATES. "Treaties and Conventions Concluded between the United States of America and Other Powers since July 4, 1776," Washington, 1889.

UPHAM, CHARLES W. "The Life of Timothy Pickering," 4 volumes, Boston, 1873.

Contains constant reference to his services as Secretary of War and ex-officio in control of Indian Affairs.

VAN BUREN, MARTIN, "Papers of," MSS. in Library of Congress.

Contain scarcely anything on Indian Affairs.

WAIT, THOMAS B. "Wait's State Papers and Public Documents of the United States," third edition, twelve volumes, Boston, 1819.

Contain Presidential messages, memorials to Congress, etc., but nothing that cannot be obtained just as conveniently elsewhere.

WALKER, FRANCIS A. "The Indian Question," one volume, Boston, 1874.

A superficial account of the United States Indian policy by a former Commissioner of Indian Affairs.

WASHINGTON, GEORGE, "Papers of."

Among the Congressional Library collection of Washington's papers are six volumes, bound separately from the others, entitled "Letters to and from the War Department, 1789–1800." In addition there are scattered letters from Knox of a private character.

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WELLINGTON, DUKE OF. "Supplementary Despatches, Correspondence, and Memoranda of Field Marshal Arthur Duke of Wellington," edited by his son, London, 1862.

Important for an insight into the Ghent negotiations.

WHEELER, HENRY G. "History of Congress, Biographical and Political," two volumes, New York, 1848.

Describes the rise of a small party in the Senate opposed to Jackson, chiefly on the score of the Cherokee removal.

WHITE, GEORGE (Rev.) "Historical Collections of Georgia," third edition, one volume, New York, 1855.

"Compiled from original records and official documents," some of which it quotes in whole or in part. It is rich in statistics, and in biographical accounts of the governors and other prominent men of Georgia.

WHITTLESEY, CHARLES (Colonel). "Recollections of a Tour Through Wisconsin in 1832," in "Wisconsin Historical Collections," I: 64–85.

A running narrative of the Black Hawk war, plain-spoken, impartial.

WIGHT, WILLIAM WARD. "Eleazer Williams, His Forerunners, Himself," in "Parkman Club Papers," No. 7, vol. I, pp. 133–203, Milwaukee, 1896.

J. N. Davidson, "Wisconsin Historical Society Proceedings," 1899, page 167, says:

"This monograph is a model of its kind—thorough, accurate, painstaking, and just."

WILLIAMS, EDWIN. "Statesman's Manual of Presidents' Messages, Inaugural, Annual, and Special from 1789 to 1846."

WILLIAMS, JOHN LEE. "The Territory of Florida," one volume, New York, 1837.

Very inaccurate as regards the account of the Indians.

WILSON, HENRY. "History of the Rise and Fall of the Slave Power," three volumes, Boston, 1872–1877.

The scattered references to the interplay of policies, affecting alike the negro and the Indian, are not well supported by historical evidence.

WINSLOW, EDWARD (Judge). "Papers of," selected and edited by Rev. W. O. Raymond under the auspices of the New Brunswick Historical Society, St. John, New Brunswick, 1901.

"Shed much light upon the attitude of the Loyalists in the American Revolution and the circumstances that attended their settlement in the maritime provinces at the close of the war." They also furnish some information about the period just before the war of 1812 and the war itself. Such as are here printed are excellent for an idea of the feeling entertained by the Canadians against the Americans, but are comparatively destitute of anything about the Indians, who partly occasioned that feeling.

WOOLLEN, WILLIAM WESLEY. "Biographical and Historical Sketches of Early Indiana," one volume, Indianapolis, 1883.

YONGE, CHARLES DUKE. "The Life and Administration of Robert Banks, Second Earl of Liverpool," three volumes, London, 1868.

Important for the Ghent negotiations.

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